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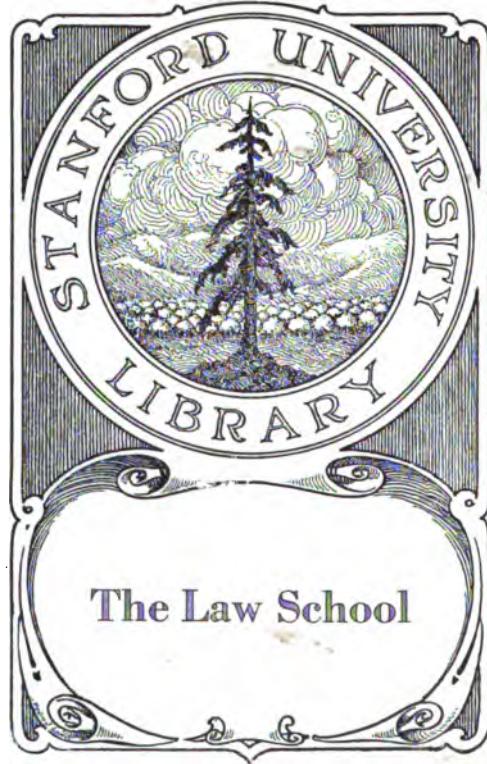
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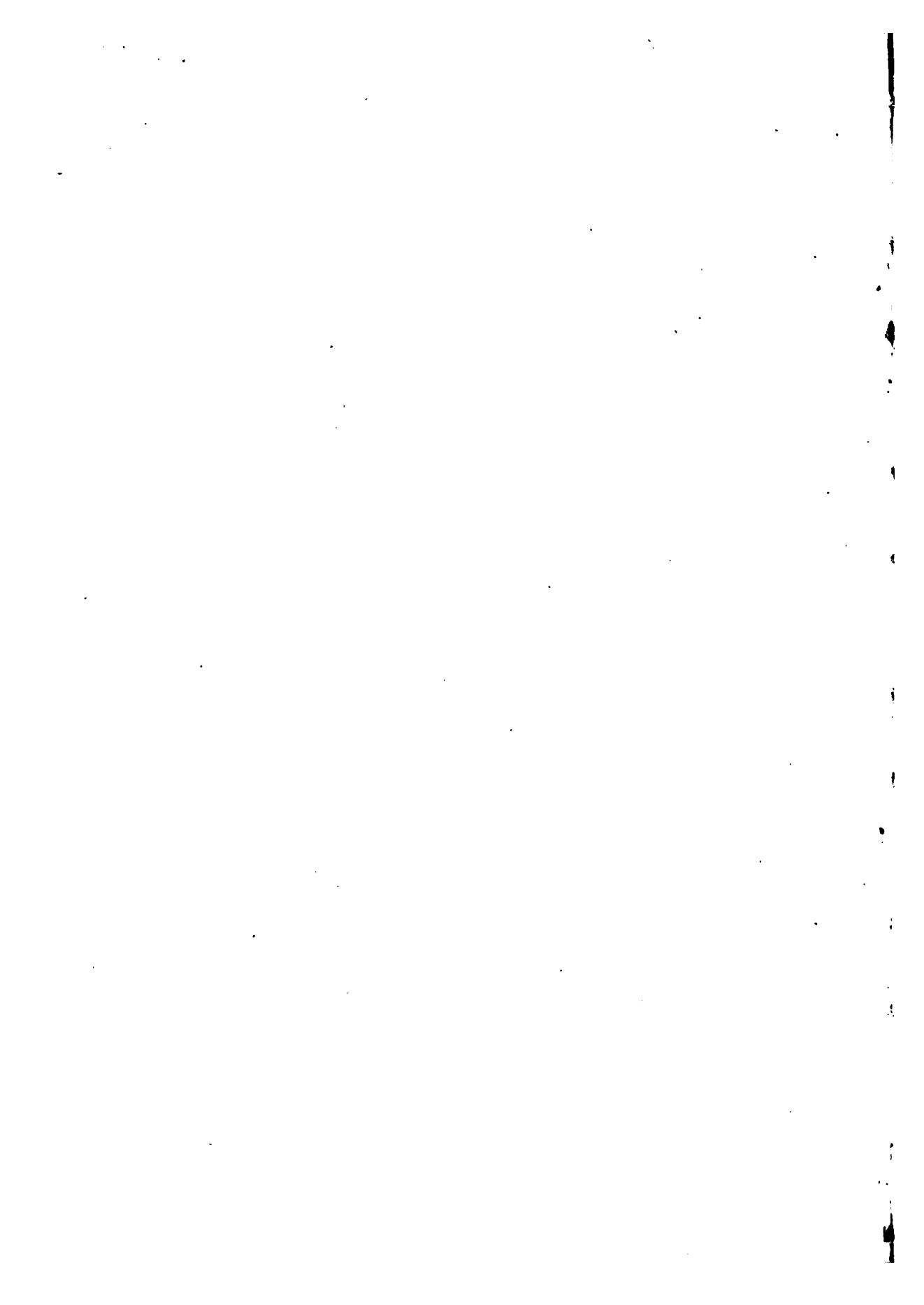
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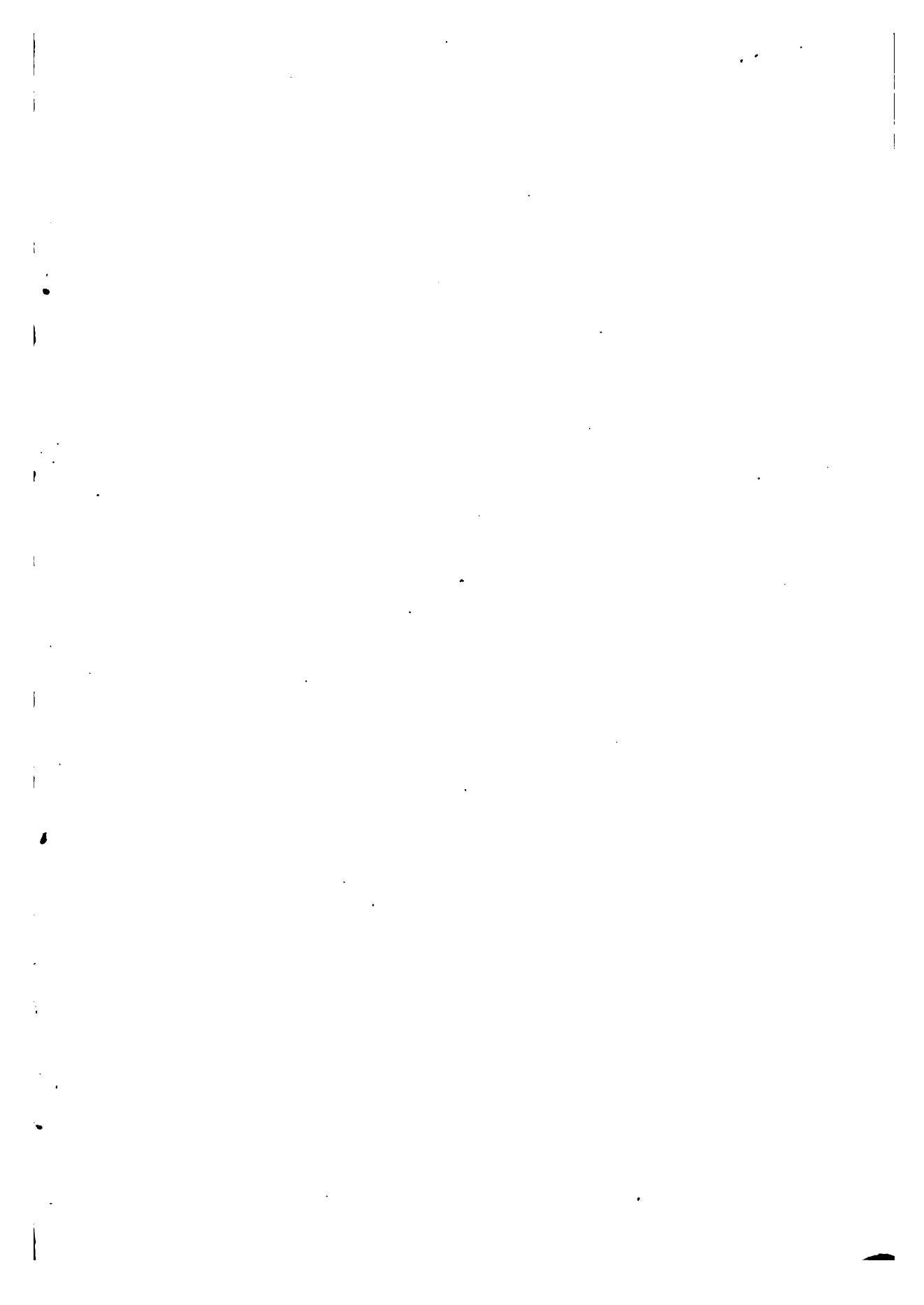
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Ohio Collection







THE STATE OF OHIO

LEGISLATIVE ACTS

PASSED

AND

JOINT RESOLUTIONS

Adopted

BY THE

SEVENTY-EIGHTH GENERAL ASSEMBLY

At Its Extraordinary Session

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 4, 1909

VOLUME C



Springfield, Ohio:
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State Printers.
1909.

374447

GENERAL LAWS

[House Bill No. 2.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That there be, and is hereby, appropriated from any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00) for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employees of the general assembly; three thousand dollars (\$3,000.00) for contingent expenses of the house; one thousand dollars (\$1,000.00) for contingent expenses of the senate.

Sundry ap-
propriations.

G. W. MOONEY,
Speaker of the House of Representatives.

F. W. TREADWAY,
President of the Senate.

Passed January 12th, 1909.

Approved January 14, 1909.

JUDSON HARMON,
Governor.
1G.

[House Bill No. 50.]

AN ACT

To make Lincoln Day a holiday.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That the twelfth day of February, nineteen hundred and nine, which is the one hundredth anniversary of the birthday of Abraham Lincoln, shall be known as Lincoln Day, and for all purposes whatever considered as a holiday.

Lincoln Day.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Jan. 21, 1909.

Approved January 22d, 1909.

JUDSON HARMON,
Governor.
2G.

[House Bill No. 83.]

AN ACT

To make sundry appropriations.

Sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION. I. That the following sums, for the purposes hereinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated:

ADJUTANT GENERAL'S DEPARTMENT.

Expenses of inauguration.....	\$4,274 83
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ATTORNEY GENERAL.

Special counsel.....	\$400 00
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SUPERVISOR OF PUBLIC PRINTING.

State printing.....	\$15,000 00
State Bindery.....	5,000 00
Publishing constitutional amendments in the several newspapers of the state.....	41,869 10

OHIO PENITENTIARY.

Current expenses.....	\$15,000 00
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ATHENS STATE HOSPITAL.

Ordinary repairs and improvements.....	\$5,000 00
Domestic hot water system.....	15,860 14

COLUMBUS STATE HOSPITAL.

Current expenses.....	\$25,000 00
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OHIO STATE SANATORIUM.

Sewerage system and sewage disposal.....	\$15,000 00
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OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses.....	\$8,000 00
Ordinary repairs and improvements.....	1,200 00
Railroad switch to new power house and track scales	2,800 00

OHIO STATE UNIVERSITY.

Encouragement and improvement of dairy industry \$2,500 00 Sundry appropriations.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed Jan. 22, 1909.

Approved January 28, 1909.

JUDSON HARMON,

Governor.

3G.

[House Bill No. 130.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of one hundred thousand dollars (\$100,000.00) for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employes of the general assembly.

Sundry appropriations.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed Feb. 19, 1909.

Approved February 19, 1909.

JUDSON HARMON,

Governor.

4G.

[Am. House Bill No. 1.]

AN ACT

To amend section 6835 of the Revised Statutes, to correct an error.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6835 of the Revised Statutes be amended to read as follows:

Sec. 6835. Whoever in the night season maliciously and forcibly breaks and enters any inhabited dwelling house with intent to commit a felony, or with intent to steal property of any value, shall be imprisoned in the penitentiary Burglary defined. Penalty.

Uninhabited dwellings, etc.

Penalty.

Burglars' tools.

Penalty.

during life; but upon recommendation of mercy by the jury shall be imprisoned not more than thirty years nor less than five years; and whoever in the night season maliciously and forcibly breaks and enters, or attempts to break and enter, any uninhabited dwelling house, or any kitchen, smokehouse, shop, office, storehouse, warehouse, malthouse, stillhouse, mill, pottery, factory, water craft, schoolhouse, church, or meeting house, barn or stable, railroad car, car factory, stationhouse, hall or any other building, or attempts to break and enter any inhabited dwelling house with intent to steal property of any value, or with intent to commit a felony, shall be imprisoned in the penitentiary not more than fifteen years, nor less than one year; and if any person shall have, or keep in his possession any tools, implements, or any other things used by burglars for house breaking, forcing doors, windows, locks, or buildings, or other places where goods, wares, merchandise, or money is kept with the intention of using such tools or implements burglariously, shall be imprisoned in the penitentiary not more than five years nor less than one year.

SECTION 2. That section 6835 is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed Feb. 23, 1909.

Approved February 26, 1909.

JUDSON HARMON,

Governor.

5G.

[Senate Bill No. 77.]

AN ACT

To repeal an act entitled, "An act to provide for the publication of the Biographical Annals of Ohio," passed April 19, 1904.

Be it enacted by the General Assembly of the State of Ohio:

Biographical Annals.

SECTION 1. That the act entitled, "An act to provide for the publication of the Biographical Annals of Ohio," passed April 19, 1904, be, and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

N. O. MATHER,

President pro tem. of the Senate.

Passed March 1, 1909.

Approved March 10, 1909.

JUDSON HARMON,

Governor.

6G.

[House Bill No. 225.]

AN ACT

To amend sections 11 and 16 of an act entitled, "An act to regulate the conduct of primary elections," passed April 28th, 1908.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 11 and 16 of an act entitled, "An act to regulate the conduct of primary elections," passed April 28th, 1908, be amended so as to read as follows:

Sec. 11. Primaries under the act to nominate candidates for county offices or to select delegates to nominate candidates for state or district offices, shall be held in each county at the usual polling places on the third Tuesday of May of even numbered years, and primaries held to nominate candidates for township and municipal offices, justices of the peace and members of the school board shall be held in each county at the usual polling places on the first Tuesday after the first Monday in September of odd numbered years.

Primaries for county officers, when held.

Township and municipal officers.

Special election.

Whenever a call shall be issued for a special election the date of the primary shall be fixed at the same time and in the same manner by the authority calling said special election, and said primary shall be held at least two weeks prior to the time fixed for the said special election; and nomination papers for such election shall be filed at least ten days before the date for holding the primary election, and after said election shall be called, at least five days shall be allowed for circulating and filing nomination papers.

Nomination papers, when to be filed.

Sec. 16. Nominations for places on the primary ballot shall be by nomination papers which shall be filed with the board of elections at least twenty days before the day for holding the primary election. Such nomination papers shall be signed by two per cent. of the party voters in the county, municipality, precinct, ward, or other political sub-division for which such nomination is to be made. The basis of percentage in each case shall be the vote of the party in said county, municipality, precinct, ward, or other political sub-division for governor at the last preceding election for state officers.

Two per cent. shall sign nomination papers.

SECTION 2. That original sections 11 and 16 of an act entitled, "An act to regulate the conduct of primary elections" be and the same are hereby repealed

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15th, 1909.

JUDSON HARMON,

Governor.

7G.

[House Bill No. 233.]

AN ACT

Authorizing the auditor of state to issue duplicate warrant on the state treasury.

Be it enacted by the General Assembly of the State of Ohio:

Duplicate warrant.

SECTION I. That the auditor of state is hereby authorized to issue the following duplicate warrant on the state treasury, the original of which has been lost or destroyed:

Warrant No. 4375, series 1908, \$81.32, favor of H. W. Jones-Manville Company.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15th, 1909.

JUDSON HARMON,
Governor.
8G.

[Senate Bill No. 19.]

AN ACT

To amend sections 449 and 453 of the Revised Statutes of Ohio, relating to the annual meeting of circuit judges, and the transfer of a disqualified judge to another circuit.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That sections 449 and 453 of the Revised Statutes be amended so as to read as follows:

Circuit Court organization of.

Sec. 449. The judges of the circuit court shall on the third Tuesday in September, annually, meet in the supreme court room in the city of Columbus, and organize by choosing one of their number chief justice and one of their number secretary for the next judicial year, which shall commence on the first day of January; and they shall then issue an order to the clerk of the circuit court in each county of their respective circuits, fixing the time of commencement of each term of the circuit court in each county in each circuit for the next judicial year, and deliver a copy thereof to the secretary of state. Such order may thereafter be changed by the judges of any circuit when the business thereof shall require it; and until such changes have been made, the terms in each county shall be held at the times fixed by the judges, annually, in general convention. The clerk of the circuit court, upon receipt of any such order signed by the judges of his circuit, shall immediately enter the same on the journal of the circuit court of his county, and such entry shall be sufficient evidence as to the legal

Copy to be delivered to
Secretary of State.

terms for holding the courts as therein ordered; and such clerk shall cause a copy thereof to be published in one or more newspapers of general circulation in his county, once a week, on the same day of the week, for three consecutive weeks.

Publication.

Sec. 453. When a judge of the circuit court is interested in any cause or matter pending in the circuit court of any county of his circuit, or is related to or has a bias or prejudice for or against either or any party to such cause, or has sat in the lower court in the same cause or matter or is otherwise disqualified to sit in such cause or matter, on request made by such judge to the chief justice, or in case of his death, absence or disability to the secretary, he shall be transferred for the time being by the chief justice, or in case of his death, absence or disability by the secretary of the circuit court to another circuit in exchange for a judge of the circuit court who is qualified to sit in a trial or hearing of such cause or matter, or on the filing of an affidavit of either or any party to such cause or matter, or of his or her counsel setting forth the fact of such interest, bias, prejudice or disqualification, the clerk of the court wherein such cause is pending shall forthwith enter the fact of the filing of such affidavit in said cause on the trial docket of said court, and forthwith notify the chief justice of the circuit court, or if he be disqualified as aforesaid or be absent from the state or disabled in any manner—the secretary, who shall thereupon forthwith make an order transferring, for the time being, the judge named in such affidavit to another circuit in exchange for a judge of the circuit court of such other circuit, who is qualified to sit in the trial or hearing of such cause or matter, and designate and appoint such judge from such other circuit to take the place of the judge disqualified as aforesaid, in the hearing of any such cause or matter where the same is pending; and the order therefor shall be entered upon the journal of said court, and the judge so designated to take the place of said judge disqualified as aforesaid, shall proceed to perform the duties so assigned him; and said judge so disqualified as aforesaid, shall not sit in the trial or hearing of said cause or matter. And upon request made by the presiding judge of any circuit to the chief justice, or in case of his death, absence or disability to the secretary, to assign a judge, or judges of another circuit to hold court with the judge or judges of such circuit, or to assign judges to hold an additional court in such circuit, such chief justice or secretary shall, upon being satisfied that the business of such circuit requires it, assign such judge or judges of the circuit court, as in his opinion can be so assigned without impairing the business of the circuit of which he is a resident, to hold court in such circuit, and any judge so assigned, except in cases of transfer in exchange, shall be paid five dollars a day for expenses for every day he shall perform such judicial duties, including the time necessarily devoted to the examination and decision of cases heard by

Exchange of
judges.

Transfer
order.

Additional
court.

Compensation.

him in such circuit, out of the state treasury upon warrant of the auditor of the state to be issued upon certificate of such chief justice or secretary.

SECTION 2. That original sections 449 and 453 of the Revised Statutes be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
9G.

[Senate Bill No. 69.]

AN ACT

To protect users of telephones.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful
use of tele-
phone, by em-
ployees, etc.

Penalty.

SECTION 1. Any person connected with a telephone company, incorporated or unincorporated, operating a telephone line, or engaged in the business of transmitting to, from, through or in this state, telephone messages, in any capacity, who wilfully divulges a private telephone message, or the nature of any such message, or any private conversation between persons communicating over the wires of such company, or who wilfully delays the transmission of any telephonic message or communication, with intent to injure, deceive or defraud the sender or receiver thereof or any other person, or any such telephone company, or to benefit himself or any other person, shall be deemed guilty of a misdemeanor, and on conviction fined not less than \$100 nor more than \$1,000, and be imprisoned in the county jail not less than 30 days nor more than three months.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
10G.

[Senate Bill No. 50.]

AN ACT

To provide for agricultural extension work by the College of Agriculture and Domestic Science of Ohio State University.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the College of Agriculture and Domestic Science of the Ohio State University is hereby authorized and instructed to arrange for the extension of its teachings throughout the state, and shall arrange to hold schools in which instructions shall be given in soil fertility, stock raising, crop production, dairying, horticulture, domestic science and kindred subjects; each school shall not exceed one week in length, and not more than one shall be held in any county during a year.

County schools.

SECTION 2. The said college, in addition to the holding of schools as provided in section one of this act, shall give instruction and demonstrations in various lines of agriculture, at agricultural fairs, institutes, granges, clubs, or in connection with any other organizations, that, in the judgment of the said college may be useful in extending agricultural knowledge. The work in agricultural extension may also include instruction by mail and the publication of bulletins designed to carry the benefits of its teachings to communities remote from the college.

Instructions by mail.

SECTION 3. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of the funds in the state treasury, and not otherwise appropriated, the sum of twenty thousand dollars, the same to be available on and after the first day of July, 1909, and to be expended under the direction of the board of trustees of the Ohio State University, for agricultural extension work, as set forth in this act, but no part of the appropriation herein provided for shall be available for rent, heat, light, janitor services or other local expenses, and such local expenses shall be provided for by the community in which such school is held or instruction and demonstrations are given.

Appropriation
\$20,000.00.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.
Approved March 12, 1909.

JUDSON HARMON,
Governor.
11G.

[Senate Bill No. 65.]

AN ACT

To amend section 3247 of the Revised Statutes relating to the number composing boards of trustees of corporations not for profit.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3247 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3247. Each trustee and director shall, before entering upon his duties, take an oath faithfully to discharge the same; the trustees or directors chosen at any election shall, as soon thereafter as may be convenient, choose one of their number to be president, and unless the regulations otherwise provide for the election of such officers, shall appoint a secretary and treasurer of the corporation; and a majority of the directors of a corporation for profit and such a number of the trustees as the regulations of a corporation not for profit may provide, shall form a board.

SECTION 2. That said original section 3247 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,

Governor.
12G.

[Senate Bill No. 120.]

AN ACT

To supplement section 4018 of the Revised Statutes of Ohio relating to general duties of teachers by a section to be numbered 4018-a providing for the health of pupils of public schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4018 of the Revised Statutes of Ohio be supplemented as follows:

Sec. 4018-a. Any board of education in a city school district may provide for the medical inspection of pupils attending the public schools and for that purpose may employ competent physicians and nurses and provide for and pay all expenses incident thereto from the public school funds or may by agreement with the board of health or other board or officer performing the functions of a board of health for such city, provide for medical and sanitary supervision and inspection of the schools which are under the control

Medical
Inspection.

of such board of education and of the pupils attending such schools, by a competent physician selected by the parent or guardian of the child, but in case of failure upon the part of the parent or guardian, then by the district physicians and other employes to be appointed by such board of health, and any board of education in a city school district making such agreement shall have power to provide and pay compensation to the employes of the board of health in addition to that provided by the city.

District physicians, etc.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Compensation.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
G13.

[Senate Bill No. 119.]

AN ACT

To amend section 5 of an act entitled, "An act to provide a depository for state funds," being section 200-6 of the Revised Statutes, passed April 25, 1904, and providing a depository for the state funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5 of an act entitled, "An act to provide a depository for state funds," being section 200-6 of the Revised Statutes, passed April 25, 1904, be amended so as to read as follows:

Sec. 5. The treasurer of state, before making such deposits or selecting any state depository or depositories under this act, shall require each and every national bank, state bank, or trust company selected by him as a state depository, to deposit with the treasurer of state, United States government bonds, or state bonds of this state, or county, road district, township, school district, or municipal bonds of counties, townships, road districts, school districts, or municipalities of this state, or surety companies bonds, at not less than their par value, in an amount equal to the amount of money to be deposited with such bank, banks or trust companies, conditioned for the receipt and safe keeping and payment over to the treasurer of state or his written order of all money which may come into the custody of such bank, banks or trust companies, under and by virtue of this act, and the interest thereon when paid, shall be turned over to the bank or trust company, so long as it is not in default. And further, the said bonds so given shall include a special obligation to settle with and pay to the treasurer of state, for the use of the state, interest upon daily balances on said

State depositories.

Bonds, enumerated.

Special obligation, as to daily balances.

deposit or deposits, at the rate of not less than two per centum per annum, payable quarterly on the first Monday in February, May, August and November of each year, or at any time when the account may be closed.

SECTION 2. That original section 5 of said act be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
14G.

[House Bill No. 59.]

AN ACT

To provide for the free transportation by traction companies of policemen and firemen.

Free transpor-
tation of po-
licemen and
firemen.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That hereafter, upon the granting of franchises to traction companies throughout the state of Ohio for the use of streets, roads and highways for the transportation of passengers, it must be provided, as one of the considerations for such use of the public highways, that said traction companies carry free as passengers on any and all regular cars, policemen and firemen, when on duty and in uniform.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
15G.

[House Bill No. 15.]

AN ACT

To provide for inspection of any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That no person or persons shall operate any bakery, confectionery, creamery, dairy, dairy barn,

milk depot, laboratory, hotel, restaurant or eating house, packing or slaughter house, or ice cream plant, or any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever, where the same is in a filthy, unclean or unsanitary condition, or is permitted to be in a filthy, unclean or unsanitary condition.

Sanitation.

SECTION 2. That if in the opinion of the dairy and food commissioner, his assistant commissioners, inspectors or agents or either of them, after an investigation thereof, any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant or eating house, packing or slaughter house, or ice cream plant, or any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever, is operated in violation of section one of this act, the dairy and food commissioner, his assistant commissioners, inspectors or agents shall notify in writing the proprietor or proprietors, owner or owners, manager or managers of such bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant or eating house, packing or slaughter house, or ice cream plant, or any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever, to place the same in a clean and sanitary condition within a reasonable time to be stated in said notice, which time so stated shall in no case be less than ten days.

Dairy and
Food Commis-
sioner, duty of.Notice to
proprietors,
etc.Reasonable
time.

Violation.

Penalty.

SECTION 3. Any person violating any of the provisions of this act, after the time stated in the notice provided for in section two hereof, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars for the first offense, and for each subsequent offense shall be fined not less than one hundred dollars, nor more than three hundred dollars, or imprisoned in the county jail not less than thirty days nor more than one hundred days, or both.

SECTION 4. A justice of the peace, mayor or police judge shall have jurisdiction within his county in prosecutions for violations of the provisions of this act, and all of the provisions of section 3718a of the Revised Statutes of Ohio shall be applied to said proceedings.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.
Approved March 15th, 1909.

JUDSON HARMON,
Governor.
16G.

[Senate Bill No. 94.]

AN ACT

To amend section 3998-2 of the Revised Statutes of Ohio, by providing power to appropriate land for library purposes and authority to sell real estate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3998-2 of the Revised Statutes of Ohio shall be amended so as to read as follows:

Sec. 3998-2. The board of education may provide for the management and control of such library by a board of trustees to be elected by said board of education as herein provided.

Library trustees, number and eligibility of.

Such board of library trustees shall consist of seven (7) members, who shall be residents of the school district, and no one shall be eligible to membership on said library board who is or has been for a year previous to his election, a member or officer of the board of education. The term of office shall be seven years, except that at the first election the terms shall be such that one member shall retire each year. Should a vacancy occur in said board, it shall be filled by the board of education for the unexpired term. The members of said library board shall serve without compensation and until their successors are elected and qualified.

Vacancy, how filled.

Such library board, in its own name, shall hold the title to and have the custody, management and control of all libraries, branches, stations, reading rooms, and of all library property, real and personal, of such school district, and the expenditure of all moneys collected or received from any source for library purposes for such district. It shall have power to employ a librarian and assistants, but previous to such employment the compensation of such librarian and assistants shall be fixed. Such library board shall have the power, by a two-thirds vote of its members, to purchase or lease grounds and buildings, and erect buildings for library purposes.

Powers of board.

It shall have the power to appropriate land for library purposes when the owner and the board can not agree upon terms. It shall have the power to dispose of land when, in the opinion of the board, it is no longer needed for library purposes.

Appropriation of land.

All conveyances made by the board shall be executed in its name by its president and secretary.

It may accept any gift, devise or bequest for the benefit of such library. No member of the library board shall be interested, directly or indirectly, in any contract made by the board. The library board shall report annually in writing to the board of education.

SECTION 2. That said original section 3998-2 of the Revised Statutes of Ohio be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,

Governor.

17G.

[House Bill No. 60.]

AN ACT

To amend section 3 of an act entitled, "An act to regulate the filling and refilling of milk bottles and glass jars," passed May 9, 1908, to correct an error.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act to regulate the filling and refilling of milk bottles and glass jars," be amended so as to read as follows:

Sec. 3. Any person or persons guilty of violating the provisions of the preceding *sections* of this act shall be fined not more than one hundred dollars.

SECTION 2. That section 3 of an act entitled, "An act to regulate the filling and refilling of milk bottles and glass jars," be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed March 3, 1909.

Approved March 12, 1909.

JUDSON HARMON,

Governor.

18G.

[Senate Bill No. 11.]

AN ACT

To amend section 1 of an act entitled, "An act to authorize boards of education in cities of the second grade of the first class to levy a tax for certain purposes therein specified," passed March 16, 1887, as amended April 25, 1904, relating to manual training and commercial departments and kindergartens.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to authorize boards of education in cities of the second grade

of the first class to levy a tax for certain purposes therein specified," passed March 16, 1887, as amended April 25, 1904, be amended to read as follows:

**Powers of
Board of Edu-
cation, as to
manual train-
ing, etc.**

Sec. 1. Any board of education may establish and maintain manual training, domestic science, and commercial department; agricultural, industrial, vocational and trades schools; and kindergartens in connection with the public school system; and pay the expenses of establishing and maintaining said schools from the public school funds, in the same manner and from the same funds as other school expenses are paid.

SECTION 2. That said section 1 as amended is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

Approved March 16, 1909.

JUDSON HARMON,
Governor.
19G.

—
[Senate Bill No. 40.]

AN ACT

Relative to submitting the question, "Shall there be a convention to revise, alter or amend the constitution," to the electors of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the question, "Shall there be a convention to revise, alter or amend the constitution," of this state, shall be submitted to the electors thereof at the general election to be held on the first Tuesday after the first Monday in November, in the year one thousand nine hundred and ten.

**Constitutional
convention,
1910.**

SECTION 2. There shall be printed on the official ballot in the manner provided by law for the submission of amendments to the constitution the following statement, "Shall there be a convention to revise, alter or amend the constitution," and on the line below such statement the words, "Constitutional Convention,—Yes," and on the next line below, the words "Constitutional Convention,—No."

The provisions of chapter 2 of title 14, of part first of the Revised Statutes, with respect to proclamations by sher-

iffs, the marking of the ballots, counting and canvassing the votes, and declaring the result of such election, shall as far as the same may be applicable, apply to such election.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

Approved March 16, 1909.

JUDSON HARMON,
Governor.
 20G.

[Senate Bill No. 71.]

AN ACT

To amend section 10 of an act entitled, "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of the several counties of the state," passed March 12, 1902, as amended March 31st, 1902, as amended March 28th, 1906, as amended April 21st, 1908, O. L. 99, page 126.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10 of an act entitled, "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of the several counties of the state," passed March 12th, 1902, as amended March 31st, 1902, as amended March 28th, 1906, as amended April 21st, 1908, O. L., 99, page 126, be amended so as to read as follows:

Sec. 10. Upon completion of the memorial building authorized, or on completion of any monumental building under act passed May 2nd, 1871, as amended April 16th, 1900, "An act to provide for the appointment of trustees and disposition of moneys, and assets held in trust for building soldiers' monuments," the board of trustees shall turn the same over to the county commissioners who shall provide for the equipment, decoration and furnishing of said building not to exceed the sum of fifteen thousand (\$15,000) dollars, as a memorial for the purposes aforesaid, in the same manner as they are authorized to care for and maintain other property of the county. The board of commissioners of any county in the state, in addition to all other levies authorized by law, may levy a tax in the year 1909 not exceeding twenty-five one-hundredths of a mill upon all taxable property within their county, to be used for the decoration, equipment and furnishing of such memorial building, or to repay moneys advanced for said purposes and shall levy an annual tax sufficient to care for said buildings

County memorial buildings.

Equipment, decoration and furnishing, by commissioners.

Tax levy, 1909.

Rent, terms of. and to carry out the purpose for which the same was constructed. The board of county commissioners may permit the occupancy and use of the memorial building, or any part thereof, upon such terms as they deem proper.

SECTION 2. That said section 10 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

Approved March 16, 1909.

JUDSON HARMON,
Governor.
21G.

[Senate Bill No. 9.]

AN ACT

To amend section 3990 of the Revised Statutes and allowing a board of education to file an accurate plat and description of the parcel of land sought to be condemned in the insolvency court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3990 of the Revised Statutes be amended to read as follows:

Appropriation
of land for
school pur-
poses.

Sec. 3990. When it is necessary to procure or enlarge a school site, and the board of education and the owner of the proposed site or addition are unable for any cause to agree upon the sale and purchase thereof, the board shall make an accurate plat and description of the parcel of land which it desires for such purposes, and file the same with the probate judge, or court of insolvency, of the proper county, and thereupon the same proceedings of appropriation shall be had which are provided for the appropriation of private property by municipal corporations.

SECTION 2. That said original section 3990 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
22G.

[Amended House Bill No. 33.]

AN ACT

To establish and maintain permanent headquarters for the Grand Army of the Republic, Department of Ohio, at Columbus.

WHEREAS, The ranks of the Grand Army of the Republic of the Department of Ohio are depleting in numbers and the finances of the department are also in a depleted condition, to such an extent that the per capita tax is insufficient to defray the expenses of department headquarters in different cities each year; and

WHEREAS, The state of Indiana and other states which furnished a less number of soldiers for the Union army during the War of the Rebellion than the state of Ohio, are maintaining headquarters for the Grand Army of the Republic in their respective states; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is hereby appropriated a sum of two thousand five hundred dollars for the fiscal year ending February 15, 1910, from the moneys not otherwise appropriated to defray the expense of maintaining a permanent headquarters of the Grand Army of the Republic, Department of Ohio at the city of Columbus, and the department adjutant general of the Grand Army of the Republic is hereby authorized to furnish a convenient room for said headquarters, in or near the capitol.

Headquarters
for G. A. R.Appropriation
for fiscal year
ending Feb.
15, 1910, \$2,500.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

Approved March 12, 1909.

JUDSON HARMON,
Governor.
23G.

[House Bill No. 181.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys raised or coming into the state treasury for the support of the common schools, for the fiscal year ending November 15, 1909, the sum of two million three hundred and thirty thousand dollars (\$2,330,000), to be distributed for that purpose at the rate of one dollar and

Appropriation
for fiscal year
ending Nov.
15, 1909,
\$2,330,000.00.

eighty-five cents (\$1.85), for each enumerated youth; and paid in the manner provided by section 3956 of the Revised Statutes.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed March 3, 1909.
 Approved March 12, 1909.

JUDSON HARMON,
Governor.
 24G.

[House Bill No. 131.]

AN ACT

Making sundry appropriations to pay the interest on the irreducible debt.

**Appropriation
 for interest on
 irreducible
 debt.**

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys that may be in the state treasury, or that may come into the state treasury, belonging to the sinking fund, the following sums, for the purposes hereinafter named:

For interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio University, and Ohio State University funds, falling due January 1, 1909 \$310,000 00

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed March 3, 1909.
 Approved March 12, 1909.

JUDSON HARMON,
Governor.
 25G.

[Senate Bill No. 29.]

AN ACT

Making an appropriation for the centennial celebration of the Battle of Lake Erie.

**Appropriation
 for "Centen-
 nial Celebra-
 tion" of Bat-
 tle of Lake
 Erie.**

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is hereby appropriated, from the general revenue fund of the state, from any moneys not otherwise appropriated, the sum of three thousand dollars for the use of the commission appointed under the joint

resolution adopted February 28, 1908, entitled, "Joint Resolution relative to the Battle of Lake Erie," to enable said commission to continue the work of preparation for the centennial celebration therein provided for and for the purpose of defraying the office and other expenses of said commission in the performance of its duties.

That the expenses incurred by the committees as herein provided shall be paid upon proper vouchers signed by the chairman and secretary of said committee, and said chairman and secretary shall furnish the auditor of state an itemized statement of said expenses.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
26G.

[Senate Bill No. 107.]

AN ACT

To provide for suitable recognition by the state of Ohio for the Wright brothers, inventors of the aeroplane, of Dayton, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. To provide for recognition of the services rendered their native state and the civilized world, by their invention of the aeroplane, that the adjutant general of Ohio be empowered to procure a medal suitably inscribed for each Orville and Wilbur Wright, of Dayton, Ohio, to be presented at such time and manner as may be deemed best by said adjutant general.

SECTION 8. To provide for the expense in procuring such medals, the sum of two hundred dollars (\$200.00) shall be and is hereby appropriated out of any of the moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated.

*Wright Bros.
Medals.*

*Appropriation
\$200.00.*

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
27G.

[House Bill No. 140.]

AN ACT

To provide for the purchase of a certain school site in the village of Collinwood, Cuyahoga County, Ohio, for the purpose of establishing and maintaining thereon a memorial building and park.

Collinwood fire.

Appropriation unexpended \$6,717.50.

Appropriation for memorial park, \$3,000.00.

Trustee, appointment of.

Conditions of this contract.

Payment, when to be made.

WHEREAS, On the 4th day of March, 1908, one hundred and sixty-five school children and two teachers lost their lives in a fire which destroyed the Lake View school building at Collinwood, Ohio, and

WHEREAS, On the sixth day of March, 1908, the general assembly of Ohio appropriated the sum of twenty-five thousand dollars for the relief of the needy sufferers of said district and a balance of \$6,717.50 of that fund remains unexpended, therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That for the purposes hereinafter stated there is hereby reappropriated out of said unexpended balance the sum of three thousand dollars (\$3,000.00).

SECTION 2. Said amount to be expended for the purpose of purchasing the lot on which said school building formerly stood, which is to be dedicated forever as a memorial park to the memory of those who lost their lives in that fire.

SECTION 3. The governor is hereby authorized to appoint a trustee to represent the state of Ohio and act with the council of the village of Collinwood and negotiate for the purchase of the plot, on which said burned school building stood, with the board of education of the village of Collinwood.

SECTION 4. When the said board of education of the village of Collinwood has agreed to sell and the said council of the said village has agreed to buy said plot and the said council has appropriated all but three thousand dollars of the purchase price, then

SECTION 5. On the certificate of such trustee that all proceedings have been complied with according to law, and the deed of such property has been deposited with said trustee for delivery to said council, and upon the approval of the governor the state auditor shall issue a warrant for such expenditure to be paid out of the appropriation herein provided.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

Approved March 12, 1909.

JUDSON HARMON,
Governor.
28G.

[Senate Bill No. 37.]

AN ACT

To better provide the carrying into effect the provisions of article 9, of the Constitution of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That for the purpose of fixing a more definite policy, establishing a more economical system, and better providing for carrying into effect the provisions of article 9 of the Constitution of Ohio, there is hereby authorized and created a state armory board, which shall consist of four officers of the Ohio National Guard, to be appointed by the governor, by and with the advice and consent of the senate one of whom, as indicated by the governor upon the first appointment, shall serve for one year, one for two years, one for three years, and one for four years, and upon the expiration of the term of each, his and that of his successor, shall, in like manner, be filled for the term of four years from and after January 1, 1910. The governor shall be ex-officio a member of said board and the president thereof. Appointments to fill vacancies caused by death, resignation or removal before the expiration of such terms may be made for the residue of terms in the same manner as original appointments.

State Armory Board, appointment and term of members.

Appointments, to fill vacancies.

Duties and powers of board.

Deeds to be made to State of Ohio.

SECTION 2. It shall be the duty of said board to provide armories for the safekeeping of arms, clothing and other equipment issued to the several organizations of the organized militia, and said board is hereby authorized and empowered to purchase or build suitable buildings for armory purposes, where, in their judgment, it is for the best interests of the state to do so. Said board is further authorized and empowered to receive gifts or donations of land, money or other property, for the purpose of aiding in the purchase, building, furnishing or maintaining of any armory building, provided that all lands acquired shall be deeded to the state of Ohio, and all property received under the provisions of this act, from any source whatever, shall become the property of the state of Ohio; and said board shall provide for the management, care and maintenance of armories, and shall be empowered to adopt and prescribe rules and regulations for the management and government, for the guidance of the organization occupying the same, as may be necessary and desirable.

SECTION 3. When the state armory board deems it to the best interests of the state and advisable to erect an armory for any of the organizations of the national guard,

New armory, erection of.

it shall cause plans, specifications and estimates to be prepared for an armory at the place it has so directed, and proceed to erect such armory as hereinafter provided in this act.

Sealed bids advertising for.

Forfeit.

Acceptance.

Contract and bond.

Inspection by board before final payment.

Appropriation of land.

Attorney General, duty of.

Maximum expenditure for an armory.

The state armory board shall advertise for sealed bids for the erection of such armory, which advertisements shall be published in at least one paper in the city or county in which the armory is to be erected. All bids received under such advertisement shall be filed in the office of the adjutant general, and must be accompanied by a forfeit, consisting of a deposit of cash or certified check, equivalent to two per cent. of the estimate on said building, conditioned upon the bidder entering into a contract, provided his bid is accepted, and all money forfeited shall be covered into the state treasury, to the credit of the "state armory fund," hereinafter provided for. Upon the date specified in said advertisements, the bids received shall be opened by the state armory board, and the lowest bid which complies with the plans and specifications submitted may be accepted. After a bid so made is accepted, the state armory board shall cause to be prepared a contract and bond, between themselves as representing the state of Ohio, and the contractor, for the completion of the armory and protection of the state. Said contract and bond shall be prepared by the attorney general of the state, and shall provide for the completion of the armory and the protection of the state for the pay of material, men and employees. Said contract may provide for payment from time to time, in the manner therein specified, but in no case shall the advance payment exceed eighty per cent. of the bid. When the armory is completed, the state armory board shall inspect the same, and, if satisfied, shall file its report to that effect with the adjutant general, when final payment shall be made upon said contract.

Upon opening the bids, the state armory board may reject any and all bids, and re-advertise for bids. In case of default, the state armory board may and is hereby authorized to sue on the bond, and advertise for other bids for the completion of the work. The state armory board shall have the same power to condemn and appropriate land as the state board of public works, for public use, and land to build armories upon is hereby declared to be a public necessity.

In all cases where it is necessary to condemn and appropriate lands, examine contracts, sue on bonds, or have other legal work done, the attorney general shall represent the state armory board in said work and litigation.

The maximum amount to be expended by the state for the building or purchase of an armory for a company or single organization shall not exceed \$15,000, and \$10,000 additional for each organization or headquarters provided for, and in no city or town shall more than one building be erected or purchased until provision has been made for all organizations, and in no case shall any building be leased

or rented for the use of any company or single organization in excess of \$600.00 per year for each organization provided for; and all bills authorized by contracts made and approved by the state armory board shall be paid upon vouchers of the adjutant general, as now authorized by law.

SECTION 4. For the purpose of carrying out the provisions of this act, it shall be the duty of the auditor of state, from and after January 1, 1910, to credit to the "state military fund" from the general revenues of the state, a sum equal to ten cents for each person who, it shall appear from the last preceding federal census, was a resident of this state. The fund herein provided for the support of the organized militia of Ohio shall be a continuing fund, and available only for that purpose, and shall not be diverted to any other fund or used for any other purpose, and the general assembly shall annually appropriate and divide into two funds the amount authorized by the provisions of this act, to be known as the "state armory fund" and "maintenance Ohio National Guard," the adjutant general shall pay the per diem, transportation, subsistence, incidental expenses of military companies, inspections and incidental expenses of camp including horse hire, fuel, lumber, forage of horses, and medical supplies.

From the amount allotted and appropriated as "state armory fund," the state armory board shall provide armories by lease, purchase or construction, as provided in sections 2 and 3 of this act.

SECTION 5. The state armory board shall make a report annually of the proceedings incident to the location and management of armories, also a detailed account of all disbursements, which shall be filed in the office of the auditor of state, and a copy furnished the adjutant general's department. The armories erected, constructed, owned or leased by virtue of this act shall be for the use and benefit of the permanent organized militia quartered therein, and the sale or use of intoxicating liquors therein is absolutely prohibited, and any officer or man guilty of violating this portion of the law shall be punished as a court may direct; provided, that in all armories hereafter erected, constructed, owned or leased by virtue of this act there shall at all times be provided and maintained a suitable room or rooms for the free use and occupancy of the organization known as the "Grand Army of the Republic" and the "United Spanish War Veterans," unless such room or rooms are already provided by the erection of a county memorial building or otherwise by county or state. For each armory erected or provided under the provisions of this act, the state armory board shall appoint a board of control, which shall consist of one or more officers of organizations quartered therein, and said board or officer in control may rent the armory to desirable parties for temporary purposes, subject to regulation to be prescribed by the state armory board, and the money derived

Auditor of
State, duty of,
as to "State
Military
Fund."

Annual appro-
priation.

Annual report.

Intoxicating
liquors, sale
and use of,
forbidden.

G. A. R. room.

Board of Con-
trol, appoint-
ment and duty
of.

from the rental of said armory shall be paid into the treasury of the organization quartered therein.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
29G.

[Amended House Bill No. 4.]

AN ACT

Making appropriations for the Miami University, the Ohio University, the state normal school or college of the Ohio University, the state normal school or college of the Miami University, the Ohio State University, and for the normal and industrial department of the Wilberforce University.

Be it enacted by the General Assembly of the State of Ohio:

Appropria-
tions, Nov. 15,
1909, to Nov.
15, 1910.

Miami Univer-
sity.

Ohio Univer-
sity.

Normal School
of Ohio Uni-
versity.

SECTION 1. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Miami University fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1909, and the first quarter of the fiscal year ending November 15, 1910, the sum of sixty-five thousand dollars (\$65,000), or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Miami University according to law.

SECTION 2. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio University fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1909, and for the first quarter of the fiscal year ending November 15, 1910, the sum of sixty-five thousand dollars (\$65,000), or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Ohio University according to law.

SECTION 3. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1909, and for the first quarter of the fiscal year ending November 15, 1910, the sum of forty thousand dollars (\$40,000), or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the state normal school or college of the Ohio University according to law.

SECTION 4. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Miami normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1909, and the first quarter of the fiscal year ending November 15, 1910, the sum of thirty thousand dollars (\$30,000), or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the state normal school or college of the Miami University according to law.

Normal School
of Miami Uni-
versity.

SECTION 5. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio State University fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1909, and for the first quarter of the fiscal year ending November 15, 1910, the sum of four hundred and twenty-five thousand dollars (\$425,000), or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Ohio State University according to law.

O. S. U.

SECTION 6. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the normal and industrial department of the Wilberforce University fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1909, and for the first quarter of the fiscal year ending November 15, 1910, the sum of thirty thousand dollars (\$30,000), or as much of such sums as may come into the treasury to the credit of said fund to be applied to the uses and purposes of the normal and industrial department of the Wilberforce University according to law.

Wilberforce
University.

SECTION 7. That the different appropriations hereinbefore provided for are made in accordance with the provisions of House Bill No. 45, and House Bill No. 665 passed April 2, 1906, presented to the governor April 3, 1906, and filed in the office of the secretary of state, April 16, 1906.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 3, 1909.
Approved March 12, 1909.

JUDSON HARMON,
Governor.
30G.

[House Bill No. 129.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1909, and the first quarter of the fiscal year ending February 15, 1910.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

General appropriations for 1909 and 1910.	Salary of adjutant general.....	\$3,500 00
	Salary of assistant adjutant general.....	2,000 00
	Salary of assistant quartermaster general.....	2,000 00
	Clerk hire	1,200 00
	Salary of chief clerk.....	1,400 00
	Salaries of seven clerks at \$1,200 each.....	8,400 00
	Salary of superintendent of state arsenal.....	1,400 00
	Salaries of two stenographers at \$720 each.....	1,440 00
	Contingent expenses	3,000 00
	Transportation of indigent soldiers.....	400 00
	Furniture and repairs.....	100 00

STATE HOUSE AND GROUNDS.

Salary of superintendent of laborers.....	\$900 00
Salary of engineer.....	1,000 00
Salaries of five firemen.....	4,120 00
Salaries of two visitors' attendants.....	1,440 00
Salaries of two custodians of flag room.....	1,440 00
Salaries of two day policemen.....	1,440 00
Salaries of two night policemen.....	1,600 00
Salaries of ten regular laborers.....	6,260 00
Salaries of extra laborers and carpenter.....	2,000 00
Electric current for light and power for state house	10,000 00
Care and repair of heating apparatus.....	2,000 00
Fuel for state house.....	4,000 00
Material and repairs.....	2,500 00
Flags for state house.....	100 00

OHIO NATIONAL GUARD.

Camp pay	\$63,000 00
Drill pay	46,000 00
Subsistence	22,000 00
Transportation	44,000 00
Care of stores and freight.....	10,000 00
Incidental expenses of camp.....	8,000 00

Inspections and examinations.....	4,000 00	General appro-
Promotion of rifle practice and competition.....	3,000 00	priations for 1909 and 1910.
Horse hire, forage, fuel, lumber, straw and medical supplies	7,000 00	
Incidental expenses of military companies.....	20,000 00	
Uniforms, overcoats, blankets and equipment.....	5,000 00	
Tents and repairs.....	400 00	
Repair and improvement of state arsenal.....	1,000 00	
Rent of armories.....	82,800 00	
Improvement of state camp grounds.....	12,000 00	
Maintenance of U. S. S. Hawk.....	3,000 00	
Maintenance of U. S. training ship of Toledo battalion of Ohio naval militia.....	3,000 00	
Prizes for rifle and revolver competitions O. N. G.	500 00	
Equipment of mess hall at Camp Perry.....	3,500 00	

OHIO AGRICULTURAL EXPERIMENT STATION.

Administration	\$28,500 00
Agronomy	9,500 00
Animal husbandry	15,150 00
Botany	5,000 00
Co-operative experiments	15,600 00
Entomology	6,950 00
Forestry	8,000 00
Soils	8,000 00
Furniture and carpets.....	1,000 00
Chemistry	3,650 00
Horticulture	9,640 00
Nutrition	8,000 00

OHIO STATE BOARD OF AGRICULTURE.

Encouragement of agriculture.....	\$28,000 00
Suppression and prevention of diseases among live stock	15,000 00
Serum for hog cholera.....	3,000 00
Ordinary repairs and improvements on state fair grounds	4,000 00
Bonds due September 1.....	20,000 00
Interest on bonds due March 1 and Septem- ber 1.....	3,000 00
Receipts and balances.....	

ATTORNEY GENERAL.

Salary of attorney general.....	\$6,500 00
Salary of first assistant attorney general.....	4,000 00
Salary of second assistant attorney general.....	2,500 00
Salary of chief clerk.....	1,500 00
Salary of Willis tax clerk.....	1,200 00
Salaries of two stenographers at \$1,200 each....	2,400 00

General appro-
priations for
1909 and 1910.

Salary of messenger.....	600 00
Special counsel	28,000 00
Contingent expenses	2,000 00
Traveling expenses	1,000 00
Books and furniture.....	1,000 00
Stenographic work	1,500 00
Costs in cases brought by state.....	1,500 00
Remodeling office	2,000 00

AUDITOR OF STATE.

Salary of auditor of state.....	\$6,500 00
Salary of deputy auditor of state.....	3,000 00
Salary of chief clerk.....	2,400 00
Salaries of two public service corporation exam- iners	4,800 00
Salaries of two inspectors and examiners of de- partments of state.....	4,400 00
Salary of bookkeeper and sinking fund clerk...	2,200 00
Salary of inspector of institutions.....	2,000 00
Salary of railroad and bank clerk.....	1,950 00
Salary of liquor tax deputy.....	1,750 00
Salary of liquor tax clerk.....	1,750 00
Salary of land clerk.....	1,500 00
Salary of filing clerk.....	1,500 00
Salary of secretary and cashier.....	1,500 00
Salary of general clerk.....	1,500 00
Salaries of two excise clerks.....	2,850 00
Salary of canal and trust fund clerk.....	1,400 00
Salary of statistical clerk.....	1,350 00
Salary of transcribing and record clerk.....	1,350 00
Contingent expenses	3,750 00
Traveling expenses	4,000 00
Furniture and carpets.....	200 00
Shelving, repairs and file cases.....	1,000 00

STATE BOARD OF APPRAISERS AND ASSESSORS.

Contingent expenses	\$550 00
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OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	\$2,700 00
Field work Fort Ancient and Serpent Mound...	2,000 00
Publications	3,300 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members.....	\$3,000 00
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SUPERINTENDENT OF BANKS.

Salary of superintendent.....	\$5,000 00
Salary of chief examiner.....	2,000 00

Salaries of seven examiners at \$1,800 each....	12,600 00	General appro- priations for 1909 and 1910.
Salary of chief clerk.....	1,800 00	
Salary of bookkeeper.....	1,200 00	
Salary of statistician.....	1,000 00	
Salary of stenographer.....	900 00	
Salaries of extra clerks.....	1,800 00	
Traveling expenses	8,500 00	
Rent	1,200 00	
Contingent expenses	2,300 00	
Furniture and carpets.....	200 00	
Steel filing cases.....	1,000 00	

BOARD OF STATE CHARITIES.

Salary of secretary.....	\$1,800 00
Expenses of secretary.....	600 00
Salary of clerk.....	900 00
Salary of stenographer.....	720 00
Salary of messenger.....	240 00
Expenses of board.....	900 00
Contingent expenses	1,000 00
Furniture, carpets and repairs.....	200 00
State conference	250 00
Investigations ordered by governor.....	500 00
Expenses board of lady visitors.....	750 00

STATE BOARD OF HEALTH.

General expenses	\$45,000 00
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OHIO STATE BOARD OF PARDONS.

Salaries of members.....	\$3,000 00
Expenses of members.....	800 00

BOARD OF PUBLIC WORKS.

Salaries of members.....	\$8,700 00
Traveling expenses of members.....	1,800 00
Salaries of two engineers.....	5,400 00
Traveling expenses of engineers.....	2,000 00
Salary of secretary.....	1,800 00
Salary of stenographer and clerk.....	900 00
Land department	10,000 00
Contingent expenses	1,300 00
Furniture and carpets.....	350 00
Miami and Erie Canal for maintenance, bal- ances, receipts and.....	25,000 00
Southern Division Ohio Canal for maintenance, balances, receipts and.....	10,000 00
Northern Division Ohio Canal for maintenance, balances, receipts and.....	15,000 00
Improvement Northern Division Ohio Canal (continuing appropriation)	140,000 00

General appro- priations for 1909 and 1910.	Reconstruction of the Miami and Erie Canal, both north and south of Dayton, balances and	140,000 00
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DAIRY AND FOOD COMMISSIONER.

Salary of commissioner.....	\$4,000 00
Expenses of commissioner.....	750 00
Salaries of two assistant commissioners at \$1,000 each	2,000 00
Expenses of two assistant commissioners.....	1,500 00
Salaries of twelve deputy inspectors for the col- lection of the liquor tax under the Cain law at \$1,300.00	15,600 00
Salary of chief clerk.....	1,200 00
Salaries of two clerks.....	2,200 00
Salary of extra clerk.....	720 00
Inspection, analyses and publication.....	35,000 00
Contingent expenses	2,000 00
Traveling expenses of liquor tax inspectors.....	11,600 00
Contingent expenses for collection of liquor tax.	4,000 00
Furniture, carpets and repairs.....	200 00

CHIEF EXAMINER STEAM ENGINEERS.

Salary of chief examiner.....	\$3,000 00
Salary of assistant chief examiner.....	1,800 00
Salaries of ten district examiners at \$1,500 each.	15,000 00
Salaries of three clerks, two at \$1,200 each, one at \$1,000	3,400 00
Traveling expenses	6,000 00
Contingent expenses	4,200 00
Furniture and carpets.....	200 00

COMMISSIONERS OF FISH AND GAME.

General expenses	\$18,000 00
Fish hatcheries at London.....	5,000 00
Patrol boats, balances and.....	5,000 00

BUREAU OF LABOR STATISTICS.

Salary of commissioner.....	\$3,000 00
Traveling expenses of commissioner.....	500 00
Salary of chief clerk.....	1,500 00
Salary of stenographer.....	900 00
Salaries of three clerks at \$720 each.....	2,160 00
Contingent expenses	10,000 00
Furniture, repairs and advertising.....	500 00
Employment offices—	
Salaries of five superintendents at \$1,500 each	7,500 00
Salaries of five clerks at \$720 each.....	3,600 00

COMMISSIONERS OF PUBLIC PRINTING.

For printing paper.....	\$30,000 00	General appro-
Salary of clerk.....	500 00	priations for
For printing paper and supplies for agricultural		1909 and 1910.
experiment station	1,000 00	

OHIO SOLDIERS' CLAIMS.

Salary of commissioner.....	\$2,500 00
Traveling expenses	150 00
Salaries of two clerks at \$720 each.....	1,440 00
Salaries of extra clerks.....	1,560 00
Contingent expenses	1,050 00
Furniture and carpets.....	150 00
For compensation to Ohio soldiers serving during the civil war under the provisions of Senate Joint Resolution No. 76, adopted May 9, 1908.....	26,845 00

OHIO CODIFYING COMMISSION.

Salaries of three commissioners.....	\$15,000 00
Clerk hire, stenographers and incidental expenses (including rent of offices).....	15,600 00

STATE COMMISSIONER OF COMMON SCHOOLS.

Salary of commissioner.....	\$4,000 00
Traveling expenses of commissioner.....	750 00
Traveling expenses of two school inspectors, \$750.00 each	1,500 00
Salary of chief clerk.....	1,750 00
Salary of statistician.....	1,500 00
Salary of examiner.....	1,400 00
Salary of stenographer.....	720 00
Salary of correspondence clerk.....	720 00
Salary of two inspectors at \$2,000.00 each.....	4,000 00
Contingent expenses	1,500 00
Per diem and expenses of state board of school examiners	750 00
Furniture and carpets.....	250 00
Boxing and shipping.....	300 00
Publication and distribution of Arbor Day annual	500 00

EXECUTIVE DEPARTMENT.

Salary of governor.....	\$10,000 00
Salary of lieutenant governor.....	1,500 00
Salary of secretary to the governor.....	5,000 00
Salary of executive clerk.....	3,000 00
Salary of commission clerk.....	1,500 00

General appropriations for 1909 and 1910.	Salary of corresponding clerk.....	1,500 00
	Contingent expenses	8,000 00
	Furniture, carpets and repairs.....	1,000 00

GEOLOGICAL SURVEY.

Geological survey, receipts and balances and...	\$6,660 00
Illustrations of specimens.....	200 00

STATE HIGHWAY DEPARTMENT.

Salary of commissioner.....	\$2,500 00
Salary of assistant commissioner.....	1,800 00
Traveling expenses of commissioner, assistant commissioner and three assistant engineers at \$750 each.....	3,750 00
Salary of chief clerk.....	1,200 00
Salaries of three engineers at \$1,500 each.....	4,500 00
Salaries of four clerks at \$900 each.....	3,600 00
Contingent expenses	1,200 00
Rent of additional offices.....	1,200 00
File cases	500 00
Furniture and carpets.....	600 00
Experimental road work.....	10,000 00
Services and expenses in preparing a highway map of Ohio.....	5,000 00
State aid in road building.....	440,000 00
State aid appropriation for 1909 and receipts and balances of an act "to provide for the registration, identification and regulation of motor vehicles," passed May 9, 1908 (99 O. L., pages 538-546).....	
For new laboratory in Ohio State University for investigating materials for road building	5,000 00

CHIEF INSPECTOR OF MINES.

Salary of chief inspector.....	\$2,000 00
Traveling expenses of chief inspector.....	780 00
Salaries of ten district inspectors at \$1,200 each.	12,000 00
Traveling expenses of ten district inspectors...	7,800 00
Salary of chief clerk.....	1,200 00
Salary of stenographer.....	900 00
Salaries of extra clerks.....	1,440 00
Contingent expenses	1,700 00
Files, fixtures and repairs.....	600 00
Field supplies for district inspectors.....	300 00

COMMISSIONERS OF COAL MINES.

Per diem of members and expenses.....	\$5,000 00
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CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of chief inspector.....	\$2,500 00	General appro-
Traveling expenses of chief inspector.....	800 00	priations for
Salary of assistant chief inspector.....	2,500 00	1909 and 1910.
Traveling expenses of assistant chief inspector..	800 00	
Salaries of twenty-two district and two bake-		
shop inspectors at \$1,200 each.....	28,800 00	
Traveling expenses of twenty-five inspectors...	17,500 00	
Salary of high explosive inspector.....	2,000 00	
Salaries of eight lady visitors at \$1,200 each...	9,600 00	
Traveling expenses of eight lady visitors.....	5,600 00	
Salary of chief clerk.....	1,800 00	
Salary of clerk.....	1,200 00	
Salaries of three stenographers at \$840 each...	2,520 00	
Contingent expenses	2,000 00	
Furniture, carpets and repairs.....	200 00	
Office rent—Cleveland and Cincinnati.....	350 00	

INSURANCE DEPARTMENT.

Salary of superintendent.....	\$4,000 00	
Salary of deputy superintendent.....	2,400 00	
Salary of actuary.....	2,400 00	
Salary of chief clerk.....	1,800 00	
Salary of examiner.....	1,800 00	
Salary of statistician.....	1,800 00	
Salary of warden.....	1,800 00	
Salary of bookkeeper.....	1,800 00	
Salary of first assistant actuary.....	1,400 00	
Salary of second assistant actuary.....	1,200 00	
Salary of correspondence clerk.....	1,350 00	
Salary of assistant examiner.....	1,200 00	
Salary of assistant statistician.....	1,200 00	
Salary of license clerk.....	1,200 00	
Salary of mailing clerk.....	1,000 00	
Salary of janitor.....	600 00	
Contingent expenses	2,500 00	
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance depart- ment officials	3,400 00	
Salaries of extra clerks.....	2,500 00	
Furniture, carpets and repairs.....	200 00	

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Salary of deputy inspector and supervisor of bond investment companies.....	\$3,000 00	
Salary of inspector's clerk.....	1,350 00	
Salary of statistician.....	1,350 00	
Salary of correspondence clerk.....	1,200 00	
Salary of chief clerk.....	1,200 00	

General appro- priations for 1909 and 1910.	Salary of mailing clerk.....	200 00
	Salary of janitor.....	300 00
	Salaries of nine examiners at \$1,800 each.....	16,200 00
	Traveling expenses of examiners and deputy in- spector	5,000 00
	Contingent expenses	1,000 00
	Furniture and carpets.....	200 00

JUDICIARY.

Salaries of judges.....	\$470,000 00
Expenses of common pleas judge.....	7,000 00

LEGISLATURE.

Salaries and mileage of members.....	\$100,000 00
Expenses legislative committees.....	10,000 00
Completing journals senate and house.....	2,400 00
Contingent expenses senate clerk.....	200 00
Contingent expenses house clerk.....	200 00
Contingent expenses of senate.....	3,000 00
Contingent expenses of house.....	7,000 00
Contingent expenses care of both houses.....	2,500 00
Furniture, carpets and repairs senate clerk's office	300 00
Furniture, carpets and repairs house clerk's office	300 00
For Frederick Blankner, third assistant ser- geant-at-arms of the house, for taking charge of senate chamber, hall of the house and committee rooms, during the year 1909, and for taking care of the bill books and other property of the members, as requested by them, fifteen hundred dollars (\$1,500), to be paid to him in semi-monthly install- ments on the warrant of the auditor of state. For the employment of laborers by the said Frederick Blankner in the performance of the foregoing duties, at the rate of two dol- lars (\$2.00) per day, when by him necessarily employed, fourteen hundred dollars (\$1,400), to be paid to said laborers on the warrant of the auditor of state; twenty- nine hundred dollars.....	2,900 00
Printing enrolled bills.....	2,000 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Prosecution and transportation of convicts to Ohio penitentiary, state reformatory and boys committed to boys' industrial school...	\$130,000 00
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RAILROAD COMMISSION OF OHIO.

Salaries of commissioners.....	\$15,000 00	General appro-
Salaries of clerks.....	5,700 00	priations for 1909 and 1910.
Contingent expenses	1,000 00	
Traveling expenses	1,000 00	
Rent of offices.....	2,500 00	
Steel file cases.....	500 00	
Uses and purposes of commission.....		
Inspectors of automatic couplers and air brakes.		
Receipts and balances.....		

SECRETARY OF STATE.

Salary of secretary of state.....	\$6,500 00
Salary of assistant secretary of state.....	3,000 00
Salary of stationery clerk.....	1,500 00
Salary of statistician.....	1,500 00
Salary of assistant statistician.....	1,350 00
Salary of recording clerk.....	1,350 00
Salary of assistant recording clerk.....	1,200 00
Salary of proof-reading clerk.....	1,350 00
Salary of corporation fee clerk.....	1,350 00
Salary of assistant corporation fee clerk.....	1,350 00
Salary of corporation clerk.....	1,350 00
Salary of assistant corporation clerk.....	1,350 00
Salary of stenographer.....	1,350 00
Salary of corporation stenographer.....	1,200 00
Salary of mailing clerk.....	1,200 00
Salary of superintendent of book room.....	1,200 00
Contingent expenses	3,700 00
Distribution of books.....	3,000 00
Stationery fund	13,000 00
Furniture and repairs.....	750 00

BUREAU OF VITAL STATISTICS.

Salary of state registrar.....	\$2,500 00
Salary of chief statistician.....	1,500 00
Salary of statistical clerk.....	840 00
Salaries of two assistant statistical clerks at \$720 each	1,440 00
Salary of editor.....	1,350 00
Salaries of six stenographers at \$720 each.....	4,320 00
Salary of compiling clerk.....	900 00
Salary of chief card operator.....	720 00
Salaries of four assistant card operators at \$600 each	2,400 00
Salary of chief certificate clerk.....	900 00
Salary of assistant certificate clerk.....	720 00
Salary of file clerk.....	720 00
Salary of shipping clerk.....	600 00
Salary of messenger.....	480 00

General appro- priations for 1909 and 1910.	Contingent expenses	15,000 00
	Furniture and carpets.....	950 00
	Steel file cases.....	1,200 00

STATE LIBRARY.

Salary of librarian.....	\$3,000 00
Salary of assistant librarian.....	1,200 00
Salaries of library assistants.....	4,000 00
Salary of assistant secretary and stenographer..	900 00
Salary of document clerk.....	960 00
Salary of janitor.....	900 00
Books and papers.....	5,000 00
Contingent expenses and extra labor.....	1,800 00
For traveling library department.....	10,000 00
Expenses of commission.....	500 00
Furniture, carpets and repairs.....	500 00
For department of library organization.....	3,000 00

SUPERVISOR OF PUBLIC PRINTING.

Salary of supervisor.....	\$2,000 00
State printing	75,000 00
State bindery	40,000 00
Contingent expenses	450 00
Machinery	1,000 00
Typewriting	300 00

SUPREME COURT AND LAW LIBRARY.

Salary of marshal and law librarian.....	\$2,500 00
Salary of assistant librarian and accession clerk.	1,700 00
Salary of assistant librarian.....	1,200 00
Salary of first deputy marshal.....	1,350 00
Salary of second deputy marshal.....	1,200 00
Salary of third deputy marshal.....	1,000 00
Salary of messenger law library.....	1,000 00
Salary of first stenographer, supreme court....	1,200 00
Salary of second stenographer, supreme court..	1,000 00
Contingent expenses including porters.....	4,500 00
Furniture, carpets and repairs.....	600 00
Books and legal publications for law library...	3,500 00
Salaries of two elevator attendants, repairs and expenses	1,440 00

CLERK OF THE SUPREME COURT.

Salary of clerk.....	\$4,000 00
Salary of first deputy clerk.....	1,800 00
Salary of second deputy clerk.....	1,500 00
Salary of correspondence clerk.....	1,200 00
Salary of messenger.....	700 00
Contingent expenses	800 00

REPORTER OF SUPREME COURT.

Salary of reporter.....	\$4,000 00	General appro-
Contingent expenses	1,500 00	priations for 1909 and 1910.

TOPOGRAPHIC SURVEY.

For co-operation with the U. S. geological survey, in the preparation and completion of a contour topographic survey and map of this state, balances and..... \$20,000 00
 To be paid upon vouchers approved by the governor, and the governor is hereby authorized to see that such work is carried on as heretofore arranged with the representatives of the U. S. geological survey, and he may accept or reject the work executed by the U. S. geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.

TREASURER OF STATE.

Salary of treasurer of state.....	\$6,500 00
Salary of cashier.....	3,400 00
Salaries of two bookkeepers at \$1,800 each.....	3,600 00
Salaries of two night watchmen.....	1,800 00
Salary of stenographer.....	720 00
Contingent expenses	2,300 00
Furniture, carpets and repairs.....	250.00

OHIO PENITENTIARY.

Current expenses	\$160,000 00
Salaries of managers.....	5,000 00
Salaries of officers.....	33,160 00
Salaries of guards.....	88,000 00
Ordinary repairs and improvements.....	4,000 00
Rewards to discharged convicts.....	10,000 00
Expenses of executions.....	1,200 00
Religious services and library.....	1,000 00
For improving and modernizing penitentiary to carry out provisions of Substitute House Bill No. 26.....	200,000 00
For capital for industrial fund.....	15,000 00

OHIO STATE REFORMATORY.

Current expenses	\$85,000 00
Salaries of managers.....	6,000 00
Salaries of officers.....	32,000 00

General appro- priations for 1900 and 1910.	Salaries of guards.....	45,000 00
	Furniture and carpets.....	500 00
	Rewards to outgoing prisoners.....	3,000 00
	Ordinary repairs and improvements.....	15,000 00
	Construction of cells.....	15,000 00
	Improvement and extension of sewage disposal system	1,200 00

BOYS' INDUSTRIAL SCHOOL.

Current expenses	\$150,000 00
Salaries of officers, teachers and trustees' ex- penses	58,000 00
Ordinary repairs and improvements.....	12,000 00
Furniture and carpets.....	2,500 00
Rewards	1,200 00
Alterations in heating system and extension of heating and electric lines.....	15,000 00
Provided that the exceptions to the Ohio pen- itentiary in section 782, Revised Statutes of Ohio, shall be extended to the boys' indus- trial school.	

GIRLS' INDUSTRIAL HOME.

Current expenses	\$65,000 00
Salaries of officers, teachers' and trustees' ex- penses	23,000 00
Ordinary repairs and improvements.....	15,000 00
Furniture and carpets.....	2,500 00
Toilet and bath rooms.....	800 00
Extending industrial training.....	3,500 00
Musical instruments, books and amusements...	1,000 00
Building and furnishing two new cottages.....	75,000 00
Installation of new boiler and steam heating, water connections and lighting system....	49,000 00
Cold storage plant.....	5,000 00

ATHENS STATE HOSPITAL.

Current expenses	\$110,000 00
Salaries of officers and trustees' expenses.....	8,000 00
Ordinary repairs and improvements.....	25,000 00
Furniture and carpets.....	2,500 00
Paving and grading roads and walks.....	1,000 00
Furnishing and equipping the cottage with infirm and hospital wards.....	5,000 00
Construction and equipment of cottages for tubercular patients.....	5,000 00
Laundry equipment	9,000 00

OHIO COMMISSION FOR THE BLIND.

Current expenses and prevention of blindness, balances and	\$2,000 00	General appro- priations for 1909 and 1910.
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CLEVELAND STATE HOSPITAL.

Current expenses	\$195,000 00
Salaries of officers and trustees' expenses.....	9,900 00
Ordinary repairs and improvements.....	15,000 00
Completion of roadway for hospital.....	1,126 00
Boilers and addition to power house.....	10,000 00
Paving Bedford road.....	7,000 00
Furniture and carpets.....	2,500 00

COLUMBUS STATE HOSPITAL.

Current expenses	\$275,000 00
Salaries of officers and trustees' expenses.....	10,500 00
Ordinary repairs and improvements.....	25,000 00
Furniture and carpets.....	2,500 00

DAYTON STATE HOSPITAL.

Current expenses	\$160,000 00
Salaries of officers and trustees' expenses.....	9,000 00
Ordinary repairs and improvements.....	20,000 00
Carpets and furniture.....	3,000 00
Fire hose and equipment.....	2,500 00

Authority is hereby given the trustees of the Dayton State Hospital to advertise for public sale in not less than two newspapers which have the largest daily circulation in Montgomery county and for not less than six insertions which shall extend over a period of at least three months and having been so advertised to sell at said public sale and to the highest bidder and upon payment of the purchase price to deliver by a sufficient deed, in consideration of the sum of not less than twenty thousand dollars (\$20,000.00) the tract of land containing fifty (50) acres more or less, situated partly in the southeast quarter of section 27 and partly in the northeast quarter of section 26, township 2, range 7, M. R. S., Montgomery county, Ohio; and in like manner sell and deliver by a sufficient deed, in consideration of the sum of not less than ten thousand dollars (\$10,000), the tract of land containing forty (40) acres more or less, situated in the southwest quarter of section 26, township 2, range 7, M. R. S., Montgomery

General appro-
priations for
1909 and 1910.

county, Ohio, and the money obtained from said sales shall be paid into the state treasury to a separate fund to be held and used and if so sold the sum realized from the sale is hereby appropriated for the purchase of additional lands for the Dayton State Hospital.

No bid shall be received on said tract for less than the said upset prices of \$20,000.00 and \$10,000.00 respectively.

For the balance of the purchase that parcel of land known as the Shaker farm situate in section 13 and section 14, township 2, range 7, M. R. S., Van Buren township, Montgomery county, Ohio, containing (576 88/100) five hundred seventy-six and 88/100 acres in accordance with an option held by the Dayton State Hospital, or so much thereof as may be necessary not to exceed (\$50,000.00) fifty thousand dollars. An abstract shall be furnished and the title and deed for said plans shall have the approval of the attorney general.

LIMA STATE HOSPITAL.

Construction	\$250,000 00
Salaries of commissioners.....	3,000 00
Expenses of commission.....	1,500 00
Salary of clerk of commission.....	1,200 00
Salary of superintendent of farm.....	300 00
Fences and drainage.....	2,000 00

LONGVIEW HOSPITAL.

Current expenses	\$210,000 00
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MASSILLON STATE HOSPITAL.

Current expenses	\$182,000 00
Entrance driveway	3,000 00
Salaries of officers and trustees' expenses.....	9,700 00
Ordinary repairs and improvements.....	15,000 00
Furniture and carpets.....	1,800 00
Grading	1,500 00
Dairy cows (50)	2,500 00
Books and pictures.....	500 00
Poultry house	300 00
Remodeling steam and hot water plant.....	10,000 00

OHIO STATE SANATORIUM.

Current expenses	\$25,000 00
Salaries of officers and trustees' expenses.....	6,000 00

Six cottages, construction and equipment.....	41,000 00	General appro-
Furniture, fixtures and carpets.....	3,000 00	priations for
Expenses of commission.....	750 00	1903 and 1910.
Roads, walks, planting and grading.....	10,000 00	
Salaries of superintendent of farm and farm as- sistants	1,500 00	

TOLEDO STATE HOSPITAL.

Current expenses	\$225,000 00
Salaries of officers and trustees' expenses.....	12,000 00
Ordinary repairs and improvements.....	21,000 00
Furniture and carpets.....	3,000 00
New steam main.....	7,000 00

OHIO STATE SCHOOL FOR THE BLIND.

Current expenses	\$59,000 00
Salaries of officers, teachers and trustees' ex- penses	22,000 00
Ordinary repairs and improvements.....	15,000 00
Furniture and carpets.....	2,500 00
Pianos and school supplies.....	2,000 00
Oculist and oculists' supplies.....	600 00
Industrial department	6,000 00
Engineer's supplies, kitchen and laundry ma- chinery	2,000 00
Completion of tile flooring in corridors.....	2,300 00
Balance for installing pipes and radiation to pro- vide for central station hot water heating of the Ohio institution for the blind.....	

STATE SCHOOL FOR THE DEAF.

Current expenses	\$76,000 00
Salaries of officers, teachers and trustees' ex- penses	45,000 00
Ordinary repairs and improvements and outside paving	13,000 00
Furniture and carpets.....	1,000 00
Foremen and supplies industrial pursuits.....	6,500 00
Lumber and nails for boxes.....	1,000 00
Printing press	1,800 00
New hot water heating plant, dynamos and en- gines	25,000 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses	\$210,000 00
Salaries of officers and trustees' expenses.....	12,000 00
Ordinary repairs and improvements.....	20,000 00
Furniture and carpets.....	2,500 00
Two new boilers and equipment.....	9,000 00
Laundry machinery	2,100 00

INSTITUTION FOR FEEBLE-MINDED YOUTH.

General appropriations for 1909 and 1910.	Current expenses	\$150,000 00
	Salaries of officers, teachers and trustees' expenses	19,500 00
	Ordinary repairs and improvements.....	25,000 00
	Furniture and carpets.....	2,500 00
	Ordinary repairs and improvements at custodial farm	5,000 00
	Boiler and repairs at Columbus institution.....	8,700 00
	One new deep well complete at Columbus institution	1,000 00
	Waterworks system for fire protection throughout grounds	7,000 00
	Boiler at custodial farm.....	4,600 00
	Pump and motor at custodial farm.....	850 00
	Paving Central avenue.....	9,726 00
	Provided that the exceptions to the Ohio penitentiary in section 782 Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.	

OHIO SOLDIERS' AND SAILORS' HOME.

Current expenses and clothing, balances, amount received from the general government and	\$60,000 00
Salaries of officers and trustees' expenses.....	11,000 00
Ordinary repairs and improvements.....	21,000 00
Furniture, carpets, beds and bedding.....	1,500 00
Care and improvement of grounds and cemetery	2,500 00
Changes in hospital heating system to connect with central plant.....	15,000 00
For improvement and equipment of hospital kitchen	5,000 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses	\$140,000 00
Salaries of officers, teachers and trustees' expenses	34,000 00
Ordinary repairs and improvements.....	12,000 00
Change of lights in cottages.....	3,000 00
Ice plant	4,000 00
Industrial pursuits	10,000 00
Furniture and carpets.....	2,000 00
Salaries of foremen and instructors.....	13,000 00
Net earnings	2,000 00
Religious services, amusements, library and pictures	2,000 00
Support orphans outside.....	2,000 00
Sewerage system and sewage disposal plant...	15,000 00

THE HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR
WIVES, MOTHERS, WIDOWS AND ARMY NURSES.

Maintenance	\$12,500 00	General approp- riations for 1909 and 1910.
Ordinary repairs, improvements and balances and	1,500 00	
Furniture and carpets.....	2,000 00	
Sewage disposal and water plants.....	1,500 00	

MIAMI UNIVERSITY.

Maintenance of normal college.....	\$28,000 00	
Apparatus for college of liberal arts.....	9,500 00	
Fuel, supplies and repairs, buildings and grounds	8,500 00	
New boiler for heating plant.....	1,500 00	

OHIO STATE UNIVERSITY.

Equipment and heating women's dormitory....	\$5,000 00	
Equipment engineering laboratory building....	20,000 00	
Equipment school of mines building.....	7,500 00	
Equipment chemistry building.....	7,500 00	
Equipment of power house.....	25,000 00	
Repairs and betterments of buildings and grounds	20,000 00	
Scientific apparatus, laboratory equipment.....	20,000 00	
Railway to grounds.....	40,000 00	
Sewer system	12,000 00	
Library books	25,000 00	
Live stock	5,000 00	

OHIO UNIVERSITY.

Ewing Hall bonds.....	\$5,000 00	
One year's interest on \$25,000 Ewing Hall bonds.	1,250 00	
Completing gymnasium building and its equip- ment	12,000 00	
Remodeling and equipping women's hall, dormi- tory for young women.....	30,750 00	
Additional equipment of Ohio University and the State Normal College.....	10,000 00	

WILBERFORCE UNIVERSITY.

Current expenses	\$8,000 00	
Industrial departments	4,000 00	
Drainage and sewerage.....	4,000 00	
Cement floors	1,000 00	
Farm fences	500 00	
Hot water reciprocal circulating pump for heat- ing system	500 00	
Fire hose, nozzles and hand wagon.....	800 00	
Ordinary repairs and improvements.....	1,000 00	

General appro-
priations for
1909 and 1910. The unexpended appropriation for addition to
Arnett Hall be and the same is hereby re-
appropriated for new dormitory.

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

General expenses
Receipts and balances.....

OHIO BOARD OF PHARMACY.

Receipts and balances.....

STATE FIRE MARSHAL.

Receipts and balances.....

STATE MEDICAL BOARD.

Receipts and balances.....

MISCELLANEOUS.

Expenses state sealer of weights and measures.	\$350 00
For painting portrait of Governor Myron T.	
Herrick	500 00
For painting portrait of Governor Andrew L.	
Harris	500 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1909, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the ap-

propriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing that competitive bids were secured or that it was an emergency requiring immediate purchase; and all institutions, boards, commissions, and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of all such receipts and expenditures, as may be required by such auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated.

General appropriations for 1909 and 1910.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 16, 1909.

JUDSON HARMON,
Governor.
 31G.

[Amended House Bill No. 3.]

AN ACT

To amend section 7284 of the Revised Statutes relating to the competency of witnesses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7284 of the Revised Statutes be amended to read as follows:

Sec. 7284. No person shall be disqualified as a witness in any criminal prosecution by reason of his interest in the event of the same, as a party or otherwise, or by reason of his conviction of any crime; and husband and wife shall be competent witnesses to testify in behalf of each other in all criminal prosecutions; and husband and wife shall be competent witnesses to testify against each other in all actions, prosecutions, and proceedings for failure to provide for, neglect of, or cruelty to, their minor child or children under sixteen years of age; but such interest, conviction or relationship may be shown for the purpose of affecting his or her credibility. But husband or wife shall not testify concerning any communication made by one to the other, or act done by either in the presence of each other during cover-

Witnesses, in criminal prosecutions.

Husband and wife, competency of.

When husband and wife may not testify; exceptions.

ture, unless the communication was made or act done in the known presence or hearing of a third person competent to be a witness, or unless in case of personal injury by either the husband or wife to the other, or in case of the failure to provide for, or the neglect or cruelty of either to their minor children under sixteen years of age. And the rule shall be the same if the marital relation has ceased to exist; provided, that the presence or whereabouts of the husband or wife shall not be construed to be an act under this section.

SECTION 2. That said section 7284 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

Approved March 12, 1909.

JUDSON HARMON,
Governor.
32G.

[House Bill No. 195.]

AN ACT

To make appropriations to pay deficiencies authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

Appropria-
tions, to pay
authorized de-
ficiencies.

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies as herein specified, to-wit:

STATE HOUSE AND GROUNDS.

Extra laborers	\$416 00
Electrical wiring	2,000 00

OHIO NATIONAL GUARD.

Improvement of state camp grounds.....	\$2,500 00
For transportation, subsistence, pay O. N. G. and incidental expenses—suppressing night riders	45,000 00

SUPERINTENDENT OF BANKS.

Clerks	\$800 00
Traveling expenses	500 00
Furniture, carpets and supplies.....	1,200 00

BOARD OF STATE CHARITIES.

Expenses board of lady visitors.....	\$325 00	Appropria- tions, to pay authorized de- ficiencies.
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CHIEF EXAMINER STEAM ENGINEERS.

For equipping three new offices.....	\$300 00
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COMMISSIONERS OF PUBLIC PRINTING.

For printing paper.....	\$10,000 00
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OHIO SOLDIERS' CLAIMS.

For printing, postage and labor, squirrel hunters' payment	\$125 00
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STATE HIGHWAY DEPARTMENT.

For clerk hire.....	\$375 00
For contingent expenses.....	100 00

BUREAU OF VITAL STATISTICS.

For contingent expenses.....	\$4,117 04
For furniture and carpets and file cases.....	2,250 00
For clerk hire.....	2,520 00

SUPERVISOR OF PUBLIC PRINTING.

For state printing.....	\$5,000 00
For state bindery.....	5,000 00

TREASURER OF STATE.

For extra clerk hire.....	\$600 00
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GIRLS' INDUSTRIAL HOME.

Current expenses	\$11,000 00
Rebuilding, repairing and refurnishing cottage No. 3	3,000 00
Rebuilding and refurnishing assembly hall de- stroyed by fire.....	1,100 00

OHIO STATE SCHOOL FOR THE BLIND.

Ordinary repairs and improvements.....	\$1,200 00
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INSTITUTION FOR FEEBLE-MINDED YOUTH.

Rebuilding barn destroyed by fire.....	\$10,000 00
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OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Appropriations, to pay authorized deficiencies.

Ordinary repairs and improvements.....	\$1,000 00
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OHIO STATE UNIVERSITY.

Fire escapes	\$360 00
Rolling steel doors.....	350 00

BOARD OF COMMISSIONERS OF SINKING FUND.

Salary of clerk.....	\$500 00
Interest at the rate of five per cent. per annum to be paid on the approval of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state.....	3,107 63

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 15, 1909.

JUDSON HARMON,
Governor.
33G.

[Amended House Bill No. 28.]

AN ACT

To amend section 40 of the Revised Statutes as amended February 12, 1906, and as further amended April 2, 1906, in relation to the compensation of members of the General Assembly.

Be it enacted by the General Assembly of the State of Ohio:

General Assembly, salary of.

SECTION 1. That section 40 of the Revised Statutes as amended February 12, 1906, and as further amended April 2, 1906, be amended so as to read as follows:

Mileage, limitation of.

Sec. 40. Each member of the general assembly shall receive as compensation a salary of one thousand dollars a year and mileage hereinafter mentioned; said salary shall be paid in monthly installments of not exceeding two hundred dollars during the year, but in any year in which a session of the general assembly is held the balance of the salary for said year shall be paid at the end of said session; and each member shall receive two cents per mile each way for mileage once a week during the session from and to his place of residence, by the most direct route of public travel to and from the seat of government, to be paid at the end of said

regular or special session; but if any member is absent without leave, or is not excused on his return, there shall be deducted from his compensation the sum of ten dollars for each day's absence.

Absence, effect of.

SECTION 2. That section 40 of the Revised Statutes as amended February 12, 1906, and as further amended April 2, 1906, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 3, 1909.

This bill was presented to the governor March 5, 1909, and was not signed or returned to the house, wherein it originated within ten days after being so presented exclusive of Sundays, and the day said bill was presented, and was filed in the office of the secretary of state March 19, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
34G.

[Amended House Bill No. 65.]

AN ACT

To amend section 7v of the Municipal Code of 1902 and section 2835 of the Revised Statutes, relative to municipal lodging houses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7v of the Municipal Code of 1902 be amended to read as follows:

Sec. 7v. To establish, maintain and regulate public baths and bath houses, drinking fountains, water troughs, public toilet stations, municipal lodging houses, and free public band concerts; to establish, maintain and regulate free public libraries and reading rooms, and to purchase books, papers, maps and manuscripts therefor, and to receive donations and bequests of money or property for the same, in trust or otherwise, and to provide for the rent and compensation for the use of any existing free public libraries established and maintained by a private corporation or association organized for that purpose; provided, that any municipal lodging house shall not constitute the legal residence of any person so as to qualify him as an elector in said municipality.

Municipal powers.

Municipal lodging houses.

SECTION 2. That section 2835 of the Revised Statutes be amended to read as follows:

Sec. 2835. The trustees of any township, or the council of any municipal corporation of the state of Ohio, shall

**Bonds, issue
and sale of.**

have the power to issue and sell bonds in such amounts and denominations, for such period of time and at such rate of interest, not exceeding six per cent., and in such manner as is provided by law for the sale of bonds by such township or municipal corporation, for any of the purposes provided for in this act, whenever such trustees or council by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall by resolution or ordinance deem the same necessary.

1. For procuring the real estate and right of way for any improvement authorized by this section, or for purchasing real estate with a building or building thereon, to be used for public purposes.

2. For extending, enlarging, improving, repairing or securing a more complete enjoyment of any building or improvement authorized by this section, and for equipping and furnishing the same.

3. For sanitary purposes and for erecting a crematory or providing other means for disposing of garbage and refuse matters.

4. For improving highways leading into the township or corporation, or for building or improving a turnpike, or for purchasing one or more turnpike roads and making the same free.

5. For constructing wharves and landings on navigable waters.

6. For erecting infirmaries.

7. For erecting work houses, prisons and police stations.

8. For erecting houses of refuge and correction.

9. For erecting market houses and providing market places.

10. For erecting public halls and public offices.

11. For erecting or purchasing waterworks and supplying water to the township or corporation and the inhabitants thereof.

12. For erecting or purchasing gas works or electric light works, and for supplying light to the township or corporation and the inhabitants thereof.

13. For providing grounds for cemeteries or crematories, for enclosing and embellishing the same, and for erecting vaults.

14. For constructing sewers, sewage disposal works, flushing tunnels, drains and ditches.

15. For establishing free public libraries and reading rooms.

16. For the establishment of free public baths and municipal lodging houses.

17. For erecting monuments to commemorate the services of soldiers, sailors and marines of the state and nation.

18. For improving any water course or water front.

**Municipal
lodging
houses.**

19. For the payment of obligations arising from emergencies resulting from epidemics, or floods, or other forces of nature.

20. For purchasing and condemning the necessary land for park and boulevard purposes and for improving the same as well as for improving or completing the improvement of any existing boulevard, park, or parks.

21. For erecting hospitals and pest houses and for rebuilding, or improving existing hospitals and pest houses. Hospitals.

22. For resurfacing, repairing, or improving any existing street or streets as well as other public highways.

23. For opening, widening and extending any street or public highway.

24. For purchasing or condemning any land necessary for street or highway purposes, and for improving the same or paying any portion of the cost of such improvement.

25. For constructing levees or embankments or paving or improving the same, and for improving any water course passing through said township or municipal corporation.

26. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning the necessary land therefor. Viaducts, etc.

27. For erecting any buildings necessary for a fire department, purchasing fire engines, fire boats, constructing water towers, and fire cisterns, and paying the cost of placing underground wires or other signal apparatus of any fire department.

The bonds herein authorized may be issued for any or all purposes enumerated herein, but the total bonded indebtedness hereafter created in any one fiscal year under the authority of this act by any township or municipal corporation shall not exceed one (1) per cent. of the total value of all property in such township or municipal corporation, as listed and assessed for taxation, except as otherwise provided in this act. Bonds, maximum limit.

Whenever the trustees of any township or the council of any municipal corporation shall, by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, deem it necessary in any one fiscal year to issue bonds for all or any of the purposes authorized in this act in any amount greater than one per cent. of the total value of all property in such township or municipal corporation as listed and assessed for taxation, then and in that event they shall submit the question of issuing any bonds in excess of said one per cent. to a vote of the qualified electors of such township or municipal corporation at a general or special election in the manner hereinafter provided in section 2837, Revised Statutes.

Provided, however, that the net indebtedness incurred by any township or municipal corporation, after the passage of section 2835, Revised Statutes, as amended April 29, 1902, for the purpose herein enumerated, shall never exceed four Maximum indebtedness.

(4) per cent. of the total value of all property in such township or municipal corporation, as listed and assessed for taxation, unless an excess of such amount is authorized by vote of the qualified electors of such township or municipal corporation in the manner hereafter provided in section 2837, Revised Statutes.

In arriving at the net indebtedness incurred, allowance shall be made only for the amount held in the sinking fund for the redemption of bonds theretofore issued under the provisions of section 2835 as amended April 29, 1902, and subsequently, and the net indebtedness shall be held to be the difference between the par value of all such outstanding and unpaid bonds and the amount held in the sinking fund for their redemption.

Fiscal year.

For the purpose of this act the fiscal year shall hereafter be the calendar year, from January 1 to December 31, inclusive, and indebtedness shall not be deemed to have been created or incurred, where the work is to be done by or through the officers of the township or municipal corporation, until the bonds therefor have been issued and sold.

SECTION 3. That section 7v of the Municipal Code of 1902 and section 2835 of the Revised Statutes be, and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 3, 1909.

This bill was presented to the governor March 5, 1909, and was not signed or returned to the house, wherein it originated, within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 19, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
35G.

[House Bill No. 196.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1909.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations, to pay deficiencies, etc.

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities as herein specified, existing prior to February 15, 1909, to-wit:

STATE HOUSE AND GROUNDS.

Electric current for light and power for state house	\$810 74	Appropriations, to pay unauthorized deficiencies, etc.
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OHIO NATIONAL GUARD.

D. V. Burkett, M. D., in full settlement of all claims for medical services rendered to Sergeants Davis and Bush, Privates Walter Robinson, Adams, Megason, Loringer, Harrington, Daugherty, George Robinson, Brenig and Metz of troop B, Ohio National Guard, and Private Chappee, general service corps, Ohio National Guard, during the years 1907 and 1908.....	\$100 00
Major Frank W. Hendley, surgeon, medical corps, Ohio National Guard, in full settlement of all claims for injuries received at Camp Benjamin Harrison, Indiana, September 4, 1908.....	450 00
McGorray Brothers in full settlement of all claims for funeral expenses incurred by reason of the death of Corporal Daniel E. Daly, company K, fifth infantry, Ohio National Guard, July 7, 1908.....	149 00
Joseph F. Hobson, M. D., in full settlement of all claims for medical and surgical attention rendered Corporal Daniel E. Daly, company K, fifth infantry, Ohio National Guard, July 4, 1908.....	50 00
Sergeant George Blair, company L, eighth infantry, Ohio National Guard, in full settlement of all claims for injury to eye sustained in line of duty June 30, 1908.....	36 00
J. George Mannhardt, M. D., in full settlement of all claims for medical services rendered to Sergeant George Blair, company L, eighth infantry, Ohio National Guard, June and July, 1908.....	12 00
Andrew Timberman, M. D., in full settlement of all claims for examination and written opinion in the matter of the claim of Sergeant George Blair, company L, eighth infantry, Ohio National Guard, for loss of sight on account of injury to eye, February 3, 1909.	20 00
W. J. Means, M. D., in full settlement of all claims for medical and surgical services rendered Private Alfred M. Travis, company I, fourth infantry, Ohio National Guard, June 11, 1908.....	50 00

Appropriations, to pay unauthorized deficiencies, etc.

Protestant Hospital Association of Columbus, Ohio, in full settlement of all claims for hospital services rendered Private Alfred M. Travis, company I, fourth infantry, Ohio National Guard, June, 1908.....	11 50
Private Charles Seigle, company E, first infantry, Ohio National Guard, in full settlement of all claims for injuries received while in active service in aid of civil authority suppressing night riders in Brown county, Ohio, June 15, 1908.....	1,000 00
Charles F. Hake, Jr., in full settlement of all claims for hospital and ambulance services incurred for Private Charles Seigle, company E, first infantry, Ohio National Guard, June and July, 1908.....	38 00
Doctors Francis and Prine, in full settlement of all claims for medical services rendered to Private Charles Seigle, company E, first infantry, Ohio National Guard, June 15, 1908.	25 00
S. A. Davis, in full settlement of all claims for a horse killed by a soldier while on duty suppressing night riders, in Brown county, Ohio, June 22, 1908.....	150 00
Pearl D. Boone, in full settlement of all claims for a horse killed by a soldier while on duty suppressing night riders in Adams county, Ohio, May 26, 1908.....	150 00

ATTORNEY GENERAL.

Expenses special counsel (Theodore Hortsman)	\$219 35
Expenses special counsel (Doyle and Lewis)	142 85
Special counsel (Phelps and David).....	325 00
Special counsel (E. B. Durfee).....	300 00
Special counsel (Edmund Hitchens)	220 00
Special counsel (J. M. Sheets)	375 00
James E. Payne, sheriff, Richland county, costs in case of the state of Ohio ex rel Isaac Cameron, treasurer, vs. Lewis Kuebler, treasurer, Richland county, No. 8315.....	1 15
J. L. Wyckoff, clerk of the court of common pleas, Mercer county, costs in case of the state of Ohio vs. John T. Montgomery and William Stitt, No. 6653.....	61 10

OHIO STATE BOARD OF AGRICULTURE.

Division of horticulture.....	\$461 02
Live stock commission, for horses affected with glanders and by the commission ordered destroyed	1,100 00
Cattle infected with tuberculosis and ordered destroyed	876 25

BOARD OF PUBLIC WORKS.

Expenses of commission investigating claims of Tobias Walters, et al., for damages caused by overflow of the Lewistown reservoir, June, 1905	\$239 70	Appropriations, to pay unauthorized deficiencies, etc.
STATE LIBRARY.		
Contingent expenses	\$10 00	

TREASURER OF STATE.

Collecting auditor of state's drafts.....	\$398 42
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BOYS' INDUSTRIAL SCHOOL.

For dental services.....	\$45 00
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TOLEDO STATE HOSPITAL.

Salaries of officers and trustees' expenses....	\$861 44
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MISCELLANEOUS.

J. G. Crawford in full settlement of all claims for injuries received while on duty as guard at Ohio penitentiary, October 12, 1908.....	\$300 00
W. S. Van Skoy in full settlement of all claims for injuries received while on duty as guard at Ohio penitentiary, November 16, 1907....	3,000 00
Edward Wade in full settlement of all claims for injuries received by fall while on duty as night watchman at custodial farm of institution for feeble-minded youth, October 14, 1908	100 00
The Indiana Lighting Company of Lafayette, Indiana, Willis law tax erroneously paid secretary of state.....	260 00
W. N. Gray and Dwight S. Marfield, executors of the estate of George A. Gray, deceased, Hamilton county refunder on account of overpayment of inheritance tax, November 24, 1905	100 00
Refunder liquor traffic tax to the following counties, on account of discontinuance of those engaged in the business by reason of the operation of the Rose local option law:	
Adams	98 94
Ashland	189 84
Ashtabula	2,134 96
Athens	1,437 79
Brown	450 96

Appropria- tions, to pay unauthorized deficiencies, etc.		
Carroll	162	11
Champaign	258	44
Columbiana	805	56
Coshocton	187	03
Darke	285	44
Delaware	339	63
Gallia	366	89
Greene	23	29
Highland	291	42
Hocking	204	03
Jackson	821	09
Lawrence	629	88
Logan	250	65
Madison	526	81
Marion	806	81
Morrow	174	77
Noble	88	31
Paulding	168	19
Perry	283	10
Pickaway	380	92
Pike	159	95
Putnam	535	20
Scioto	1,167	83
Union	272	07
Van Wert	438	60
Vinton	85	74
Warren	677	62
Wayne	216	35
Williams	30	89
Wood	822	79
Wyandot	466	60
Expenses special legislative committee appointed under house joint resolution No. 115 relative to an investigation of the Ohio penitentiary, adopted April 8, 1908.	173	75
To the Drake Coal Company of Cleveland, Ohio, in full settlement and satisfaction of any and all claims against the state and the Ohio state reformatory on its contract to furnish coal to said reformatory from April 1, 1905 to April 1, 1906.	921	72

That the Drake Coal Company, a corporation organized and existing under and by virtue of the laws of the state of Ohio, and engaged in the coal business, with its principal place of business in Cleveland, Ohio, be, and it is hereby permitted and authorized to institute and prosecute to final hearing and to the courts of final jurisdiction a suit against the state in the court of common pleas of Franklin county, Ohio, to determine whether there is any balance due and owing the said The Drake Coal Company upon a contract to furnish coal entered into between the said The Drake Coal Company, C. L. Cassingham, secretary, and H. H. McFadden, H. F. Coates, W. S. Rogers, Judson Vincent,

H. L. Ferneding, O. E. Bare, board of managers of the Ohio state reformatory, on the 23rd day of March, 1905, and also all interest and costs found to be accruing to The Drake Coal Company by reason of the failure of said board of managers of the Ohio state reformatory to pay over to The Drake Coal Company any balance found to be due the said The Drake Coal Company in this suit or proceeding under the aforesaid contract. Service of summons shall be made by serving personally the attorney general of Ohio the summons.

Appropriations, to pay unauthorized deficiencies, etc.

That said court of common pleas be and is hereby empowered to hear and decide as between the state and The Drake Coal Company all questions herein involved and decree accordingly; and also, by the aid of a jury, if demanded by the state, or said The Drake Coal Company, try and determine all of said issues as set forth in this section, and render judgment accordingly and against the state if so found, together with costs.

On ascertaining the amount of judgment, due, if any, under this section, the clerk of the court having jurisdiction shall certify the same to the auditor of state, who shall issue his warrant in favor of The Drake Coal Company, on the treasurer of state, who is hereby authorized to pay the same out of any money in the state treasury not otherwise appropriated, and there is hereby appropriated for that purpose the sum of one thousand dollars (\$1,000.00) or so much thereof as is necessary.

SECTION 2. The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make a careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just, and in the event said committee finds the law relating to creating deficiencies has been violated by any official or board, it shall report the same to the governor in writing.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

- Passed March 12, 1909.
- Approved March 16, 1909, except as to the item of \$398.42 mentioned in the accompanying message.

JUDSON HARMON,
Governor.
36G.

[House Bill No. 23.]

AN ACT

To establish the office of and to authorize the election of one additional common pleas judge in the second sub-division of the Ninth Judicial District of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

**Additional
judge.**

SECTION 1. That to the number of judges of the court of common pleas of the second sub-division of the Ninth Judicial District composed of the counties of Mahoning, Portage and Trumbull now provided for by law, there shall be, and is hereby created the office of one additional judge of said court who shall possess the same qualifications, perform the same duties and have the same powers and receive the same compensation as is provided by law for judges of said court.

Term.

SECTION 2. Said judge may be elected in said second sub-division of the Ninth Judicial District, by the electors thereof under and in pursuance of the election laws of the state of Ohio at the November election to be held on the first Tuesday after the first Monday in November, A. D., 1909. Said additional judge shall be elected for a term of six years. His term shall begin on the first day of January, A. D., 1910, and vacancies, if any, occurring in his office, shall be filled as provided by law in such cases.

**Candidates,
how chosen.**

SECTION 3. Said election for the election of said judge to be held on the first Tuesday after the first Monday in November, 1909, shall be held under the direction and control of the deputy state supervisors of elections, and shall be conducted in every manner as provided by the election laws of the state of Ohio for the conduct of November elections by the judges and clerks appointed for said November election, and the names of candidates for said common pleas judge shall be printed on the ballots to be voted at said election.

SECTION 4. The candidates for said additional judge to be voted for at said special election, by the respective parties, shall be chosen at delegate conventions; the time and place for holding such conventions shall be fixed by the judicial committees of said sub-division. Said judicial committees shall fix the number of delegates to which each of said counties shall be entitled in said conventions by apportioning them to each of said counties on the basis of one delegate for each two hundred votes or fraction of one hundred or more votes cast for governor by the respective parties at the November election 1908. Said designated number of delegates in each county shall be chosen by the electors of the respective parties in the manner which shall be determined by, and under the direction and control of the county executive committee of the time and manner of which, at least thirty days' notice shall be given prior to the election thereof. And the candidates nominated in said

delegate conventions shall be certified by the president and secretary of said respective conventions to the board of deputy state supervisors of elections of each of the several counties, not less than fifteen days prior to the date of said November election, and said boards shall cause said names to be placed upon the ballots to be voted at said November election.

SECTION 5. The election of the successors of said additional judge shall be held at the general election on the first Tuesday after the first Monday in November in the even year immediately preceding the expiration of the term of office of said additional judge, and his successors in office, and the successors of said additional judge shall be elected for terms of six years each.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

This bill was presented to the governor on March 9, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 23, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
37G.

—
[House Bill No. 87.]

AN ACT

To amend sections 1, 5 and 6 of an act entitled, "An act to create a better sanitary condition in workshops and factories where dust-creating machinery is used," passed April 17, 1896, as amended April 21, 1898, forbidding the employment of women in workshops under certain conditions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 5 and 6 of an act entitled, "An act to create a better sanitary condition in workshops and factories where dust-creating machinery is used," passed April 17, 1896, as amended April 21, 1898, be amended so as to read as follows:

Sec. 1. All persons, companies or corporations operating any factory or workshop, where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton or wheels or belts rolled or coated with emery or corundum or cotton wheels used as buffs shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or un-

Dust, disposition of.

der such wheels or belts in such a manner as to protect the person or persons using the same from the particles of dust produced or caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptacle place, so as to receive and confine such dust; provided, that grinding machines upon which water is used at the point of the grinding contact and small emery wheels that are used temporarily for tool grinding and small shops employing not more than one man at such work and do not create dust enough in the opinion of the inspector to be injurious to the operator, shall be exempt from the provisions of this act; no female shall be employed in the operating, assisting to operate or using any of the wheels or belts specified in this section.

Female labor, forbidden.**Chief inspector, duty of.****"Notice" to be in writing.****Enforcement.****Violation.****Penalty.**

Sec. 5. It shall be the duty of the chief inspector of workshops and factories to cause his district inspectors to inspect such workshops and factories in this state having and using such machinery as is named in this act, as often as he may deem advisable, and the district inspector shall have entry to such workshops and factories at all times when directed to make such inspection, and shall report to the chief inspector such violations as he may find, and the chief inspector shall notify the person or persons, company or corporation operating such workshop or factory to comply with the provisions of this act within thirty days after date of issuing order, which notification shall be in writing and may be served by the district inspector or mailed to the last known address of such person, persons, company or corporation, which service shall be deemed sufficient notice for the purpose of this act; it shall be the duty of the chief inspector of workshops and factories to see that the provisions of this act are enforced, and in all prosecutions brought by or under the direction of the chief inspector for the violation of this act, he shall not be held to give security for costs, or adjudged to pay any costs, but in all cases where the accused is acquitted, the costs shall be paid out of the county treasury of the county in which proceedings were brought.

Sec. 6. Any person, * * * company or corporation * * * failing to comply with the provisions of this act, and with such orders for changes as may be issued by the chief inspector, within thirty days after the same have been issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined not less than fifty dollars nor more than two hundred dollars for each offense, * * * and all fines collected under this act shall inure to the benefit of the county hospital for tuberculosis. Any justice of the peace, police judge, or mayor of any city or village shall have the same jurisdiction provided in section 3718a of the Revised Statutes of Ohio in all cases of prosecutions for the violations of any of the provisions of this act.

SECTION 2. That said original sections 1, 5 and 6 are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

This bill was presented to the governor on March 9, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 23, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
38G.

[Senate Bill No. 27.]

AN ACT

To amend section 4364-14a of the Revised Statutes of Ohio, relating to the duty of assistant commissioners and inspectors appointed by the dairy and food commissioner.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4364-14a of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 4364-14a. The assistant commissioners and inspectors appointed by the dairy and food commissioner under section 409-10 of the Revised Statutes of Ohio in addition to their duties under that section, shall by personal visitation or otherwise make investigations to secure the names of all persons, firms or corporations liable to such assessment or increased assessment and whose names are not already on the duplicate and report the same to the dairy and food commissioner; the dairy and food commissioner from the reports and information submitted to him shall determine and forthwith certify to the auditor of state the names of the persons, firms or corporations liable to such assessment or increased assessment and whose names are not already on the duplicate, together with a description of the real estate upon which such business is carried on; and thereupon the auditor of state shall cause the same to be entered upon the assessment duplicate of the proper county by the auditor thereof, together with the penalty of twenty per centum, which shall be collected the same as other assessments. And ten per cent. of the amount so placed upon the duplicate and collected shall be set apart and paid into the state treasury to the credit of the general revenue fund, and the remainder thereof shall be distributed the same as provided in section 4364-17 of the Revised Statutes of Ohio.

Assistant commissioners and inspectors, duties of.

Penalty.

Record to be
kept.

Remitting as-
sessments,
permitted.

The dairy and food commissioner shall have and keep a record of all such cases so certified by him to the auditor of state. Upon the request of the dairy and food commissioner the auditor of state and the county treasurers shall forthwith make a report to the dairy and food commissioner of any action taken by such officials upon all such cases so certified as aforesaid until the tax and penalty thereon are paid into the county treasury. The auditor of state with the consent and approval of the dairy and food commissioner may correct any errors or remit any such assessment or increased assessment, together with the penalty thereon, where the same is found to have been erroneously or illegally certified.

SECTION 2. That said original section 4364-14a of the Revised Statutes be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

This bill was presented to the governor March 10, 1909, and was not signed or returned to the house, wherein it originated, within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 23, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
39G.

[Senate Bill No. 64.]

AN ACT

To amend section 2745 of the Revised Statutes of Ohio, relating to insurance companies, and to supplement said section by adding a provision relating to the repayment of certain taxes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2745 of the Revised Statutes of Ohio be amended so as to read as follows:

Annual state-
ment, what to
specify.

Sec. 2745. Every insurance company, incorporated by the authority of any other state or government, shall, in its annual statement to the superintendent of insurance, set forth the gross amount of premiums received by it from policies covering risks within this state and upon all property located in this state during the preceding calendar year, without deductions for commissions, return premiums or considerations paid for reinsurance, or any deductions whatever; and shall, also, therein set forth, in separate items, return premiums paid for cancellations and, also, considerations received from other companies for reinsurance in this state, during such year. The superin-

tendent of insurance shall examine such report of every such company, and if he finds the same correct, shall, prior to the month of November in each and every year, compute an amount of two and one-half per centum of the balance of such gross amount after deducting such return premiums and considerations received for reinsurance as shown by the next preceding annual statement, and charge the same to such company as a tax upon the business done by it within said state for the period as shown by said annual statement; and shall at said time, mail to the last known address of the head office of such company, a statement of the amount so charged against said company, which amount such company, shall, in the month of November next preceding pay to the superintendent of insurance at his office.

Report, examination of.

If such company fail or refuse to pay said tax, after a statement thereof has been made and mailed to such company as herein provided; or if the statement required to be made by it under this section is false or incorrect, the superintendent of insurance may revoke the license of such company doing business in this state; and shall upon such failure or refusal to pay said tax certify that fact to the attorney general of the state, who shall thereupon begin an action against such company in the court of common pleas of Franklin county, Ohio, or in the court of common pleas of any other county in said state, as he, the attorney general may elect, to recover the amount of said tax. Provided, that upon any such company ceasing to do business in this state, it shall thereupon make report to the superintendent of insurance of the gross amount of premiums, not theretofore reported as provided in this section, received by it from all insurance issued to citizens or residents of this state and upon all property located in this state, prior to such discontinuance of business after deducting return premiums and considerations received for reinsurance, not theretofore so reported, and shall forthwith pay to the said superintendent of insurance the same per centum of tax thereon. If any such company shall refuse to pay said tax, upon demand being made therefor, it shall be liable to the state of Ohio at the suit of the attorney general, to a penalty of not more than five hundred dollars per month for each and every month such company has failed, after demand therefor, to pay such tax. Service of process in any such action shall be made according to the requirements of the Revised Statutes governing suits brought against such company by a policy-holder therein.

Tax, when to be paid.

License, revocation of.

Retiring companies, provision for.

Penalty.

If the laws of any other state, territory or nation authorize charges for the privilege of doing business therein, or taxes against any insurance companies, which are, or may be organized in this state, exceeding the charges herein provided, the same shall be charged against all insurance companies of such state, territory or nation, doing business in this state, in place of the charges herein provided.

Reciprocity charges.

If, at any time, said superintendent has reason to suspect the correctness of any such statement he may, at the expense of the state, make an examination of the books of such company, or of its agents, for the purpose of verifying the same. All taxes collected under the provisions of this section by the superintendent of insurance shall be paid by him, upon the warrant of the auditor, into the general revenue fund of the state.

Repayment of certain taxes.

Appropriation.

Insurance companies and associations, incorporated by the authority of another state or government, or the superintendent of insurance, shall not be required to make returns of deposits of such companies or associations, made as required by law, with such superintendent of insurance for the benefit and security of policy-holders, and shall not be governed, in respect to such deposits, by the provisions of section 2744, or of section 2734 of the Revised Statutes of Ohio. The state auditor is hereby directed and empowered to draw his warrants on the state treasurer in favor of any insurance company which has paid taxes under the provisions of section 2745 of the Revised Statutes, when it is made to appear from the books and records of the superintendent of insurance that such taxes were paid on premiums remitted direct to the home office of the company. There is hereby appropriated for such purpose from any funds in the state treasury not otherwise appropriated, a sum not to exceed fifty thousand dollars. (1904, April 25; 95 v. 290; 91 v. 91; 90 v. 201; 86 v. 274; 85 v. 183; R. S. of 1880; 73 v. 139, 16.)

SECTION 2. That said original section 2745 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

This bill was presented to the governor March 10, 1909, and was not signed or returned to the house, wherein it originated, within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 23, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
40G.

AN ACT

To amend section 1 of an act entitled, "An act to establish a criminal court in the city of Canton, Stark County, Ohio," passed May 9, 1908, 99 Ohio Laws, pages 607 and 608, and to amend section 1 of an act entitled, "An act to establish a criminal court in the city of Youngstown, Mahoning County, Ohio," passed April 23, 1904, 97 Ohio Laws, page 623 and relating to the practice of law by the judges of said courts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to establish a criminal court in the city of Canton, Stark county, Ohio," passed May 9, 1908, and appearing in 99 Ohio Laws, page 607, and section 1 of an act entitled, "An act to establish a criminal court in the city of Youngstown, Mahoning county," passed April 23, 1904, and appearing in 97 Ohio Laws, page 623, be and they respectively are hereby amended so as to read as follows:

Sec. 1. That there shall be, and is hereby established in the city of Canton, Stark county, a criminal court held by a judge, which court shall be styled the criminal court and be a court of record, and shall have jurisdiction of any offense under any ordinance of the said city of Canton and of any misdemeanor committed within the limits of said city, to hear and finally determine the same and impose the prescribed penalty; but cases in which the accused is entitled to a trial by a jury, shall be so tried unless a jury be waived in writing by the accused. Provided, however, that nothing in this act contained nor in other laws of Ohio shall prevent a judge of such criminal court from practicing as an attorney and counselor at law in any other court in said state in any and all matters or business not originating or pending in said court hereby established.

Judge may practice law.

Sec. 1. That there shall be, and is hereby established in the city of Youngstown, Mahoning county, a criminal court held by a judge, which court shall be styled the criminal court and be a court of record, and shall have jurisdiction of any offense under any ordinance of the said city of Youngstown and of any misdemeanor committed within the limits of said city, to hear and finally determine the same and impose the prescribed penalty; but cases in which the accused is entitled to a trial by a jury, shall be so tried unless a jury be waived in writing by the accused. Provided, however, that nothing in this act contained nor in other laws of Ohio shall prevent a judge of such criminal court from practicing as an attorney and counselor at law in any other court in said state in any and all matters or business not originating or pending in said court hereby established.

Judge may practice law.

SECTION 2. That each of said original sections be and they hereby are repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 9, 1909.

This bill was presented to the governor March 10, 1909, and was not signed or returned to the house, wherein it originated, within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 23, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
41G.

[Senate Bill No. 93.]

AN ACT

To amend sections 3283b and 3283d of the Revised Statutes, relating to the construction of elevated electric railroads and of tunnels in connection therewith, so as to provide for the construction of underground electric railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3283b of the Revised Statutes and section 3283d of the Revised Statutes be amended so as to read as follows:

Sec. 3283b. Any city owning or having charge of any public road, street, alley, way, or ground of any kind, or any part thereof, may grant to any railroad company, street railroad company, suburban railroad company or interurban railroad company the right to construct, maintain and operate by electricity, any elevated railroad along and over said public road, street, alley, way or ground, except a public landing, or across the same subject to existing laws concerning crossings, as far as the same may be applicable, and to erect and maintain therein the necessary tracks, piers, stays, supports and stations, and the approaches for the same, which stations must be on a level with the track and to construct, when necessary tunnels for said railroad under said roads, streets, alleys, ways or grounds or to construct, maintain and operate by electricity any underground railroad, along and under said public roads, streets, alleys, ways or grounds, and to erect and maintain stations, stairways and approaches for the same, and also to construct suitable terminals and way stations; the said elevated structures and crossings to be of such height and construction as not to prevent substantially the ordinary use of and traffic upon said roads, streets, alleys, ways or grounds, whether by

Underground railroads.

pedestrians, vehicles, street cars, or otherwise, except temporarily when necessary in the construction of such elevated structures and crossings; and said tunnels for elevated railroads or subways for underground railroads or subways for underground railroads to be constructed as not to impair the stability of said roads, streets, alleys, or public grounds, or prevent the use of any sewers, water pipes, gas pipes and conduits used for such purposes or for telephone purposes in said streets, alleys, ways or grounds, except temporarily when necessary in the construction of said tunnels or subways.

Temporary obstructions.

Said grant can only be made upon such terms and conditions as are agreed upon by the council of the city, and the company; and every such grant shall provide that the rate of fare within the limits of such municipality shall not be in excess of five cents.

Fare limit.

After such grant has been made said company may appropriate private property as may be necessary for the use and enjoyment of said grant, including terminals and way stations, for the purpose of constructing and operating its road in the manner and upon the terms provided for the appropriation of property in part III, title II, chapter 8, section 6414 to 6453 of the Revised Statutes of Ohio, and every company which constructs an elevated track upon or a tunnel under or an underground railroad below said roads, streets, alleys, ways or grounds, shall be responsible for injuries done thereby to private or public property, lying upon or near such streets, alleys, ways or grounds, which may be recovered by civil action brought by the owner before the proper court at any time within two years from the completion of the road.

Damages, how recovered.

Sec. 3283d. Every railroad, street railroad company, suburban railroad company or interurban railroad company, to whom a grant has been made as herein provided shall notify in writing the authorities making the grant of its rejection or acceptance of the grant at a time fixed by such authorities at the time of making the grant. And if after a grant has been made as provided herein, and accepted by any railroad, street railroad company, suburban railroad company or interurban railroad company, there shall, within sixty days after such acceptance be filed with the mayor of the city making such grant a petition protesting against such grant and signed by such a number of the electors of such city qualified to vote at the last preceding general election, as equals ten (10) per cent. of the number of votes cast for mayor at the last preceding election for mayor he shall certify such fact to the proper election officials. The officials in charge of such general election shall, in accordance with the statutes relating to elections, arrange and provide for and conduct the submission of such question to the said electors. The question whether such grant shall be made shall be submitted to the electors of such city at the next

Protest, where filed.

Ballot, word-
ing of.

succeeding general election occurring more than thirty (30) days after the expiration of said sixty (60) days. The ballot at such election if the grant be for the construction of elevated tracks shall read "Elevated Railroad Grant—Yes," "Elevated Railroad Grant—No;" if the grant be for the construction of underground tracks shall read "Underground Railroad Grant—Yes," "Underground Railroad Grant—No," and if the grant be for the construction of partly elevated and partly underground tracks shall read "Elevated and Underground Railroad Grant—Yes," "Elevated and Underground Railroad Grant—No." And if at such election a majority of the votes cast on such question shall be against said grant, the same shall be ineffective and void.

SECTION 2. That sections 3283b and 3283d be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 23, 1909.

JUDSON HARMON,
Governor.
42G.

[Senate Bill No. 38.]

AN ACT

To amend sections 1, 6, 10 and 11 and to repeal section 31 of an act approved May 11, 1908, entitled, "An act to provide for the registration, identification and regulation of motor vehicles."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 6, 10, and 11, of the act approved May 11, 1908, entitled, "An act to provide for the registration, identification and regulation of motor vehicles," be amended so as to read as follows:

Sec. 1. That the term "motor vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except motor bicycles, motor cycles, road rollers, traction engines, fire engines, police patrol wagons, ambulances and such vehicles as run only upon rails or tracks.

Motor vehicle,
defined.Annual applica-
tion.

Sec. 6. Every owner of a motor vehicle or vehicles, which shall be operated or driven upon the public roads or highways of this state, shall annually, before the first day of January of each year, for each motor vehicle owned or acquired, except as herein otherwise provided, cause to be filed by mail or otherwise, together with the payment of a registration fee of five dollars for each gasoline or steam motor

vehicle, and a registration fee of three dollars for each electric motor vehicle, in the office of the secretary of state, an application for registration, for the following year beginning the first day of January of such year, containing,

Fees. gasoline or steam, \$5.00, electric, \$3.00.

A brief description of the vehicle to be registered, including the name of the manufacturer, the manufacturer's number of the motor vehicle, if number there be, the character of the motor power, and the amount of such motor power stated in figures of horse power.

Application, what to contain.

The name and address of the owner of such motor vehicle, and the name of the county of the state in which he resides.

Application, when to be made.

Every owner of a motor vehicle acquired during any year shall, immediately upon acquiring such motor vehicle, file a like application with fees as above for registration for the year beginning January first prior to the date of acquiring such vehicle.

Chausseurs.

Applications of chauffeurs shall be made at such times and for such periods as are provided in this section for applications of owners.

Automobile year, defined.

Each certificate, number, placard or badge issued by the secretary of state to owners, manufacturers, dealers, or chauffeurs under this act, shall be for the period of one year beginning the first day of January.

Subsequent applications, effect of.

All applications of owners, manufacturers, dealers or chauffeurs filed subsequent to the passage of this act for registration for a period of time including any part of the year 1909, shall be entitled to receive from the secretary of state only certificates, numbers, placards or badges for the period of time ending December 31st, 1909, and new applications shall be required as provided in this section for registration beginning with January first, 1910.

Description of placard.

Sec. 10. That such distinctive number as an identification mark shall consist of a placard upon the face of which shall appear the distinctive number assigned to such motor vehicle as hereinbefore provided, in Arabic numerals, such numerals to be not less than four inches in length, each stroke not less than one-half inch in width. Such placard shall also contain the name or abbreviation of the name of this state and the figures of the calendar year for which this distinctive number is issued. Such distinctive number or placard shall be of different color or shade each, such color or shade to be selected by the secretary of state.

Color of placards.

Sec. 11. A manufacturer or dealer in motor vehicles shall make application for the registration, in a like manner as hereinbefore provided, of each gasoline, steam, electric or other make of motor vehicles so manufactured or dealt in, and pay a registration fee of ten dollars for each make of motor vehicles named therein, to be determined by the motive power of such vehicles. Thereupon the secretary of state shall assign to each make of motor vehicles therein described a distinctive number which must be carried and displayed by each motor vehicle of such make in like manner as

Manufacturers, registration as to.

Fee, \$10.00.

Certified
copies, \$2.00
each.

provided in this chapter while it is operated on the public highway until it is sold or let for hire. Such manufacturer or dealer, so registering a make of motor vehicle, may procure certified copies of such registration certificate upon the payment of a fee of two dollars for each such copy. With each of such certified copies the secretary of state shall furnish two placards with the same numbering provided in the original registration certificate. No person, partnership or corporation shall operate or cause to be operated upon the public road or highway a motor vehicle of a manufacturer or dealer unless such vehicle carries and displays as provided in this chapter, two placards issued by the secretary of state bearing the registration number of such make of machine.

SECTION 2. That sections 1, 6, 10, 11 and 31 of an act approved May 11th, 1908, entitled "An act to provide for the registration, identification and regulation of motor vehicles" be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 23, 1909.

JUDSON HARMON,
Governor.
43G.

[House Bill No. 17.]

AN ACT

To amend section 4029-3, relating to the tuition of pupils holding diplomas.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4029-3 of the Revised Statutes of Ohio be amended so as to read as follows:

Diplomas, ef-
fect of, as to
tuition.

Sec. 4029-3. The tuition of pupils holding diplomas and residing in township, special, or joint sub-districts, in which no high school is maintained, shall be paid by the board of education of the school district in which they have legal school residence, such tuition to be computed by the month and an attendance any part of the month shall create a liability for the entire month; but a board of education maintaining a high school shall charge no more tuition than it charges for other non-resident pupils. A board of education providing a third grade high school as defined by law shall be required to pay the tuition of graduates from said school residing in the district at any first grade high school

Third grade
High School,
duty of board
to graduates.

for two years, or at a second grade high school for one year and a first grade high school for one year. A board of education providing a second grade high school as defined by law shall be required to pay the tuition of graduates residing in the district at any first grade high school for one year; provided however any such board of education maintaining a second or third grade high school shall not be required to pay any such tuition after the rate of taxation permitted by law for such district shall have been reached and all the funds so raised are required for the support of the schools of said district. No board of education shall be required to pay the tuition of any pupil for more than four school years; provided the board of education shall be required to pay the tuition of all successful applicants, who have complied with the provisions of this act, residing more than three miles from the high school provided by said board, when said applicants attend a nearer high school. When the elementary schools of any township school district in which a high school is maintained are centralized and transportation of pupils is provided, all pupils resident of the township school district holding diplomas shall be entitled to transportation to the high school of said township school district, and the board of education of said school district shall be exempt from the payment of the tuition of said pupils in any other high school for such a portion of four years as the course of study in the high school maintained by the board of education may include. The tuition of pupils residing in joint sub-districts shall be paid by the boards of education, having control of such districts, from the contingent funds of said districts. A board of education not maintaining a high school may enter into an agreement with one or more boards of education maintaining such school for the schooling of all its high school pupils and when such agreement is entered into the board making the same shall be exempt from the payment of tuition at other high schools of pupils living within three miles of the school designated in the agreement; provided the school or schools selected by the board are located in the same civil township, or some adjoining township, as that of the board making the agreement. Where no such agreement is entered into the school to be attended can be selected by the pupil holding a diploma; provided, due notice in writing, is given to the clerk of the board of education of the name of the school to be attended and the date the attendance is to begin, said notice to be filed not less than five days previous to said beginning of attendance. Said tuition can be paid from either the tuition or contingent funds and in case the board of education deems it necessary it may levy a tax of not to exceed two mills on each dollar of taxable property in the district or joint sub-district in excess of that allowed by section 3959 of the Revised Statutes of Ohio; the proceeds of said levy shall be kept in a separate fund and applied only to the payment of such tuition.

Second grade
High School,
duty of board
to graduates.

Tuition time
limit, four
years.

Transportation
to High
School.

Agreement, ef-
fect of, as to
tuition.

Tuition, how
paid.

SECTION 2. That said section 4029-3 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 23, 1909.

JUDSON HARMON,
Governor.
44G.

[Senate Bill No. 10.]

AN ACT

Authorizing the collection of taxes at places other than the county treasury.

Be it enacted by the General Assembly of the State of Ohio:

Tax receiving office, permitted in each township containing a bank.

SECTION 1. That the county treasurer in any county may, when in his opinion it is necessary, open an office for the receiving of taxes in any city or village, not to exceed one in each township, in which is located a bank of deposit, at which office the county treasurer, his deputy or clerks, may attend and receive taxes on any day or days prior to the 20th day of June and the 20th day of December of each year; and they shall be authorized to remove from the county treasury to the place of collection such records as may be necessary for the receiving of taxes upon such day or days as shall be fixed for that purpose as herein provided.

Notice to tax-payers.

SECTION 2. The county treasurer in any county may fix and determine the time when and place at which taxes will be received as provided in section 1 of this act. Two weeks' notice of such time and place of receiving taxes shall be given by publication in some newspaper of general circulation in the corporation or township within which such place of collection is located, and by posting notices thereof in four public places in said corporation or township.

Securities, banks to furnish.

SECTION 3. The county treasurer, his deputy or clerks, may deposit temporarily, and for the purpose of transportation only, any money received in the payment of taxes, in any bank of deposit located at the place of collection herein authorized. There shall be deposited with the county treasurer, by any bank or banks receiving any such deposits, such securities as in the judgment of the treasurer are sufficient and proper, subject to the approval of the county commissioners, and the liability of the treasurer for any losses of money deposited as herein provided shall be the same as set

forth in section 10 of an act passed May 9th, 1908, supplementing an act passed May 21st, 1894, relating to county funds and the security thereof.

SECTION 4. The county treasurer shall on or before the 10th day of January and the 10th day of July of each year file with the county commissioners an itemized statement of expenses incurred in the receiving of taxes as hereinbefore provided, viz: Transportation to and from the place of collection, office rent, and the publishing, printing and posting of aforesaid notices; the same when regularly allowed by the county commissioners shall be paid out of the county fund.

Statement of expenses, filing of.

But the total expenses in any county under the provisions of this act shall not exceed one hundred dollars in any one year.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 12, 1909.

JUDSON HARMON,
Governor.
45G.

[Senate Bill No. 23.]

AN ACT

To amend sections 1, 2, 4, 5 and 7 of an act entitled, "An act to abolish grade crossings in municipal corporations," passed May 2, 1902, 95 O. L. pages 356-359.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That said original sections 1, 2, 4, 5 and 7 of an act entitled, "An act to abolish grade crossings in municipal corporations," passed May 2, 1902, be and the same are hereby amended so as to read as follows:

Sec. 1. Any municipal corporation may raise or lower, or cause to be raised or lowered, the grade of any street or way, above or below any railroad tracks therein, and may require any railroad company operating a railroad in such municipality to raise or lower the grade of its tracks and may construct ways or crossings above the tracks of any railroad, or require the railroad company to construct ways of crossings that are to be passed under its tracks, and any city may, require such railroad company to erect permanent piers, abutments or any other appropriate supports, in the ways, crossings, streets, roads or alleys, whenever in the opinion of council, board of legislation or other legislative body the raising or lowering of the grade of any such railroad tracks, or the raising or lowering or the construction of

Power of municipalities, as to grade crossings.

such ways, crossings or supports may be necessary, upon the terms and conditions hereinafter set forth in this act.

Re-location of
streets, alleys,
etc.

When the council, board of legislation or other legislative body of any city, shall deem it necessary in the abolishment of such grade crossings to change the location of any street, alley, road or way, said council may relocate such street, alley, road or way or any part thereof, may vacate the whole or any portion of such street, alley, road or way abandoned by such relocation, and may cause the improvements above contemplated to be placed in such relocated street, alley, road or way.

Plans and spe-
cifications.

Maximum
grade.

After three
months, court
may determine
method.

Sec. 2. The council, board of legislation or other legislative body of any such municipality, for the purpose of making or causing any such improvement to be made, may, by ordinance, require the railroad company, in co-operation with the engineer of such municipality, or the engineer designated in such ordinance by the council, board of legislation or other legislative body, to prepare and submit to said council, board of legislation or other legislative body, within three months, unless longer time is mutually agreed upon, in writing, plans and specifications for such improvement, specifying the number, character and location of all piers or supports, which are to be permanently placed in any street or way, in any city, specifying the grades to be established for the streets, and the height, character and estimated cost of any viaduct or any way above or below any railroad tracks, and the change of grade required to be made of such tracks, including side-tracks and switches; but in changing the grade of any railroad, no grade shall be required to exceed the established maximum or ruling grade governing the operations by engines of that division or part of the railroad on which the improvement is to be made, without the consent of the railroad company, nor shall the railroad company's tracks be required to be placed below high water mark. If at the expiration of said three months from and after the passage of said ordinance, the railroad company shall have refused or failed to co-operate in the preparation of said plans and specifications or if said engineer of such municipality or engineer designated in such ordinance by council, board of legislation or other legislative body and said railroad company fail to agree upon the plans and specifications for such improvement, then in that event either said railroad company or said municipal corporation may submit the matter of determining the method by which said improvement shall be made to the court of common pleas having jurisdiction in the county in which said municipality is situated.

Either said municipality or said company after the expiration of the said three months from and after the passage of said ordinance may apply to said court of common pleas by petition accompanied by the necessary plans prepared by the municipality or railroad company asking that any grade crossing or grade crossings be

abolished, and said plans shall show the grades to be established for said streets, the changes to be made in the location of streets, alleys, roads or ways; the height, character and estimated cost of any viaduct or way above or below the railroad tracks, and the number, character and location of piers, abutments or supports to be permanently located in the streets, alleys, roads or ways, in any city and the change of grade to be made in any railroad tracks, including side-tracks and switches. Upon the filing of such petition, accompanied by plans, the railroad company or municipality opposed to the prayer of said petition, or directly interested in the same, shall have the right to file, within sixty (60) days thereafter, an answer to said petition and to present other plans for the abolition of such crossing or crossings, and after the expiration of said period of sixty (60) days the court shall proceed to a hearing upon the petition and any answers that may have been filed, which hearing shall be advanced upon the docket upon motion of either party, and the court shall, after examination of all plans presented to it and after hearing the evidence, make a finding as to whether or not the security and convenience of the public require that alterations shall be made in the crossing or crossings or in the approaches thereto, or in the location of the railroad or railroads or the public way, or any grades thereof, so as to avoid a crossing at common grade, or that such crossings, or any of them, shall be discontinued with or without building a new way in substitution therefor, and whether said plans or any of them, are reasonable and practicable and if such court finds that the public security and convenience require such changes to be made, and that the plans presented by the petitioner or any of the parties answering thereto are reasonable and practicable, the court shall order said changes to be made in accordance with the most reasonable and practicable plan presented to the court; the municipality shall be required to make such changes in the streets, roads or highways as may be necessary, and the railroad company or companies shall be required to make the changes necessary in the tracks and roadbed, in order to comply with the rulings of the court; and if more than one railroad company owns tracks on the crossing in question, then the said court shall apportion the part of the expense payable by the railroad companies between or among said companies; but if the court finds that the security and convenience of the public do not require that alterations shall be made in such crossing or crossings, or that none of the plans are reasonable or practicable, then the improvement shall not be made upon said plans. Either party feeling aggrieved by the decision and order of the court of common pleas shall have the right of appeal and to prosecute error as in other civil cases, the hearing of which shall be advanced upon the docket upon motion of either party.

If any municipality, or railroad company or companies refuse or neglect to comply with any such orders or find-

Plans, what to show.

Hearing ad-
vanced upon
docket.

Order of court,
apportionment,
etc.

Appeal

ings so made by the court under the provisions thereof, the court shall have power to enforce its orders or findings by either mandamus or mandatory injunction or as for contempt of court, as the necessity of the case may require, upon the application of either party to said proceedings.

Sec. 4. Any way, crossing or viaduct so constructed over said railroad track or tracks in any municipality shall be of such height as not to be less than twenty-one (21) feet in the clear from the top surface of the rails in the railroad track to the lowest point or projection of such overhead way, crossing or viaduct, unless such company shall consent to, or the court of common pleas order a less height, but in no event shall said court of common pleas order a less height than sixteen (16) feet and three (3) inches.

Minimum height of over-head ways.

Appropriation of property.

Bonds, 4%.

Additional tax for repairs, etc.

Sec. 5. The land or property required to make any alterations in the street, road, alley or other way or any right, title or interest in a public street, alley or other way, required for the erection of piers or supports in any city, necessitated by the proposed improvement, shall be purchased or appropriated by the municipality or company after the manner provided by law for the appropriation of private property for public use, and the land or property required to make any alteration in the railroad or railroads or any right, title or interest in a public street, road, alley or way required to permit the erection of piers or supports in any city, and structure necessitated by the proposed improvements, shall be purchased or appropriated by the railroad company or companies after the manner provided for the appropriation of private property by such corporation; but the municipality shall not appropriate land held or owned by any railroad company necessary for the use of such railroad company in maintaining and operating its road.

Sec. 7. For the purpose of raising the money to pay the proportion of the cost of such improvement payable by the municipality, the bonds of the municipality may be issued to the necessary amount, which bonds shall be of such denomination and payable at such place and times as the council, board of legislation or other legislative body may determine, and shall bear interest not exceeding four (4) per cent. per annum, and shall not be sold for less than their par value.

(TAX LEVY.) A tax on the taxable property of the municipality in addition to all other levies now allowed by law may be levied to pay the principal and interest of the bonds as the same may mature. After a completion of the improvement, a tax in addition to all other levies allowed by law may be levied by the municipality to pay the cost of maintaining and keeping in repair that part of the work required to be maintained and kept in repair by said municipality.

SECTION 2. Sections 1, 2, 4, 5 and 7 of an act entitled, "An act to abolish grade crossings in municipal corporations," passed May 2, 1902, 95th O. L., pages 356-359,

and acts and parts of acts, in conflict or inconsistent with this act, are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 23, 1909.

JUDSON HARMON,
Governor.
46G.

[Senate Bill No. 99.]

AN ACT

To provide for the election of assessors of real property.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. At the election to be held in November, 1909, and every fourth year thereafter, there shall be elected by the qualified electors of each township, in each county of the state, except where all of such township lies within the corporate limits of a city or village, and in that case in so much of the township as lies without the corporate limits of a city, one citizen having the qualifications of an elector as an assessor of real property within such township or village; provided, further, that when a part only of a township lies within the corporate limits of a city or village, the township assessors provided for herein shall be elected by the electors of the township outside of said village or city and all such township assessors and such boards of city and village assessors shall perform their duties as defined herein only in the territory in which he or they are elected, and in any county within the limits of which there is a city there shall be elected by the electors of said city a board of five citizens of said city having the qualifications of electors as assessors of real property within such city. The names of all the candidates for assessors of real property herein provided for, however nominated, shall be placed on one independent and separate ballot, without any designation whatever except for assessor of real property, and the number of members to be elected.

Quadrennial
assessors,
election of.

Board of five
city assessors,
election of.

A cross shall be placed at the left of the name of each candidate for whom the elector desires to vote. The person having the highest number of votes shall be declared elected an assessor of real property, and the next highest, and so on until the number of members required to be elected shall have been selected from the number having the highest number of votes.

Ballots.

The ballots shall be printed and prepared in the same manner as is provided for the election of members of the board of education under section 3970-10 of the Revised Statutes of Ohio, as supplemented by act passed March 22, 1906.

Separate poll books.

The judges of election shall keep a separate poll book for the election of said assessors and the returns thereof, duly certified as in other cases, shall be made to the county board of elections, which board shall open the same and declare the result and within ten days after opening such returns shall give notice to each of the persons elected of his election. Such real estate assessors when so elected as aforesaid shall within and for their respective districts have all the power and perform all the duties heretofore conferred upon or required of the decennial assessors of real estate elected under any and all laws now in force pertaining to such assessors.

Powers and duties.**Bond, filing of.**

SECTION 2. Each person so elected shall, within ten days after receiving notice of his election, file with the county auditor his bond payable to the state, with at least one good surety, to the acceptance of the auditor, in the sum of two thousand dollars, conditioned that he will diligently, faithfully, and impartially perform all and singular, the duties enjoined on him by law, and he shall, moreover, take and subscribe on said bond an oath of office; and if any person so elected shall fail to give bond, or shall fail to take an oath, as is required in this section, within the time therein prescribed, the office to which he was elected shall be considered vacant.

Vacancies, how filled.

SECTION 3. If there shall be a vacancy for the cause aforesaid or from any other cause, or if there shall be a failure to elect in any township of any county, such vacancy or office shall be forthwith filled by the township trustees of said township or any two of them, by the appointment of any competent and suitable elector of such township who will accept and perform the duties of such office, who shall give bond and take an oath of office, as is required in the foregoing section, and if there shall be a vacancy for the cause aforesaid, or from any other cause, or if there shall be a failure to elect in any city within the limits of any county, such vacancy or office shall be forthwith filled by the mayor, city treasurer and the president of the board of sinking fund trustees, or any two of them, by the appointment of any competent and suitable citizen of such city who will accept and perform the duties of such office, who shall give bond and take an oath of office, as is required in the foregoing section.

City board, when and where to organise.

The board of assessors of real property elected in any city in this state under the provisions of this act shall meet at the county auditor's office on or before the first Monday in January after their election at twelve o'clock noon of said day and shall elect one of their number as president and another as secretary of said board.

SECTION 4. The auditor of each county shall on or before the tenth day of January, 1910, and every fourth year thereafter, make out and deliver to the assessor of each township in his county, and to the board of assessors of each city in his county, an abstract from the books in his office, containing a description of each tract and lot of real property, situate within such township or city as the case may be, with the name of the owner thereof, if known, and the number of acres or quantity of land contained therein, as the same shall appear on his books; and also a map of each township and village within each township and of each city within his county, with such plat books as may be necessary to enable the township assessor and the board of city assessors to make a correct plat of each section, survey, and tract in their respective districts.

County auditors, duties of.

SECTION 5. The assessors elected under this act shall begin the valuation of the real property in their respective districts on or before the fifteenth day of January after their election and shall complete the same on or before July 1st following.

Valuation, when to begin.

SECTION 6. The county commissioners of each county shall fix the salary of the township assessors and the board or boards of city assessors in their respective counties, which salary shall not be less than three dollars and fifty cents per day and not to exceed one hundred and fifty dollars per month for the time necessarily employed in the performance of their duties, and which salary shall be payable monthly out of the county treasury upon allowance by the board of county commissioners, upon the warrant of the county auditor.

Salary.

SECTION 7. Any board of real estate assessors in any city elected under the provisions of this act which shall deem it necessary to enable them to complete within the time herein prescribed the proper listing and valuation of the real property within such municipality shall have power to employ a chief clerk and appoint such expert assistants, as such board may deem necessary, and fix their compensation, which shall be paid out of the county treasury upon the order of said board of assessors and the warrant of the county auditor, and such incidental expenses as such board shall deem necessary, shall be paid out of the county treasury in like manner; provided, however, that the total cost of any quadrennial appraisement in any city shall not exceed the sum of one-twentieth of one per cent. of the total tax duplicate of said city, for the year in which said quadrennial appraisement is made.

Chief clerk and assistants, in cities.

Total cost limited.

SECTION 8. In cities the board of real estate assessors shall cause to be printed in pamphlet form a list showing all the real estate owners in the ward, together with the street numbers, feet frontage and valuation made by them of each parcel of real estate, and cause a copy of same to be mailed to each and every owner of real estate in the ward. In town-

List to be printed in pamphlet form and distributed.

ships and villages the auditor shall cause to be printed in pamphlet form a list showing all the real estate in such township or village, together with the lot number, township, range, survey, acreage and valuation made by them, as the case may be, and cause a copy of the same to be mailed to each and every owner of real estate in their respective political divisions. The expense of printing and circulating all pamphlets as above provided for shall be paid out of the county treasury upon the order of said board of assessors and the warrant of the county auditor.

Villages.

SECTION 9. In each village there shall be elected in all respects according to the provisions of this act one real estate assessor who shall have the same powers and duties as are hereinbefore conferred upon such assessors for townships and cities.

SECTION 10. All of the provisions of the Statutes of the state of Ohio, are hereby repealed in so far as they conflict with or are inconsistent with the provisions of this act, and not otherwise. All the powers and duties conferred by statute upon county auditors, the state auditor, county boards of equalization, boards of revision, boards of review of municipalities, state boards of equalization and election boards, relating to decennial and other equalization of real property, are hereby made applicable and extended to quadrennial appraisements of real estate.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 12, 1909.

JUDSON HARMON,
Governor.
47G.

[Senate Bill No. 73.]

AN ACT

To amend and supplement certain sections of an act entitled, "An act to authorize telephone companies to place and maintain their wires underground when consent is had of cities where the same are situated," passed April 8th, 1891 (Sec. 3471-1, 3471-2 Revised Statutes, 88 Ohio Laws 296), as amended May 7th, 1894 (91 Ohio Laws, 205), relating to the construction of subways for telephone or telegraph wires, and making valid certain grants.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 2 of an act to authorize telephone companies to place and maintain their wires underground when consent is had of cities where the same

are situated, passed April 8th, 1891, as amended May 8th, 1894, be and the same are hereby amended, and that section 1 be supplemented by the enactment of section 1a, so as to read as follows:

Sec. 1. Any company organized under the laws of this or of any other state, and owning and operating a telephone exchange, or doing a telegraph business, in any city or village in this state, may construct and maintain underground wires and pipes, or conduits and other fixtures for containing, protecting and operating such wires in the streets and public ways of such city or village in the state, when the consent of such city or village has been obtained therefor, and it shall be unlawful for any corporation, company or individual to erect any telephone or telegraph pole or poles within that portion of any city in this state, where subways have been constructed, except such poles as may be required for the purpose of distributing wires from said subways to subscribers' stations, and all such poles shall, as far as possible, be located in alleys; provided, that this section shall not apply to existing telegraph companies until such companies shall have authority and sufficient time to construct subways; and, whoever violates any of the provisions of this section, shall be punished by fine of not more than two hundred dollars and not less than fifty dollars.

Underground
wires, pipes,
etc.

Poles, location
of.

Violation.

Penalty.

Ordinances,
validity of.

Sec. 1a. Any ordinance of any village purporting to grant the right or privilege to any telephone or telegraph company to construct and maintain underground wires and pipes, or conduits and other underground fixtures for containing, protecting and operating such wires, in the streets and public ways of such village, and which grant has been accepted, or when money has been expended in good faith on account thereof, is hereby declared to be valid and effective for the same purpose and to the same extent as if enacted in accordance with and subsequent to this act, any law, or part of law, to the contrary notwithstanding.

Consent, by
whom to be
given.

Sec. 2. Such consent shall be given by the board of city commissioners, board of public improvements, board of public works or board of administration of such city, or their respective successors in office, or by the council in cities or villages where no such board exists.

SECTION 2. That said original sections 1 and 2 of said act be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

Approved March 23, 1909.

JUDSON HARMON,
Governor.
48G.

AN ACT

To amend sections 1 and 2 of an act "To provide for county hospitals for the care and treatment of inmates of county infirmaries and other residents of the county suffering from tuberculosis," passed April 2, 1908, and to supplement said act by adding thereto sections 6, 7, 8, 9 and 10, to provide for district hospitals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 2 of an act "To provide for county hospitals for the care and treatment of inmates of county infirmaries and other residents of the county suffering from tuberculosis," passed April 2, 1908, be amended so as to read as follows:

Time limit.

Sec. 1. That on and after January 1, 1911, it shall be unlawful to keep any person suffering from pulmonary tuberculosis, commonly known as consumption, in any county infirmary except in separate buildings to be provided and used for that purpose only.

County hospital for tuberculosis.

Sec. 2. The board of county commissioners are hereby authorized and may construct in each county a suitable building or buildings, which shall be separate and apart from the infirmary buildings, to be known as the county hospital for tuberculosis; and they shall also provide for the proper furnishing and equipment of said hospital; provided that there is not already established a hospital in the county for treatment and maintenance of tuberculosis patients; and whenever in any county funds are not available to carry out the provisions of this act, the county commissioners shall levy for that purpose, and set aside the sum necessary, which shall not be used for any other purpose, and the commissioners of the county may issue and sell the bonds of said county in anticipation of said levy, and the provisions of section 2825 of the Revised Statutes, relating to the construction of public buildings and bridges, as amended May 9, 1908, shall not apply to county hospitals for tuberculosis provided for herein. The infirmary directors shall provide for the treatment, care and maintenance of patients received at said county hospital, and for necessary nurses and attendants, and all expenses so incurred shall be audited and paid as are other expenditures for county infirmary purposes. An accurate account shall be kept of all moneys received from patients or other sources, which shall be applied toward the payment of maintaining said county hospital; and the infirmary directors shall have authority to receive for the use of such hospital gifts, legacies, demises or conveyances of property, real or personal, that may be made, given or granted to for the use of said county hospital, or in its name, or in the name of said directors.

Accounts to be kept.

SECTION 2. That said act be supplemented as follows:

Levy of tax and sale of bonds.

Sec. 6. In accordance with the purposes, provisions, and regulations of the foregoing sections, except as herein provided, the commissioners of any two or more counties, not to exceed five, may form themselves into a joint board for the purpose of establishing and maintaining a district hospital for the care and treatment of persons suffering from tuberculosis, and may provide the necessary funds for the purchase of a site and the erection of the necessary buildings thereon, in the manner and for the purposes hereinbefore set forth; provided that said joint board of county commissioners in the selection and acquirement of a site for said hospital shall have the same powers for the appropriation of lands as are conferred upon boards of trustees of benevolent institutions of the state by section 623 of the Revised Statutes; and they are hereby authorized to receive and hold in trust for the use and benefit of any such institution, any grant or devise of land, and any donation or bequest of money or other personal property that may be made for the establishment or support thereof.

District hospitals, establishment and maintenance of.

Sec. 7. Immediately upon the organization of the joint board, or as soon thereafter as possible, they shall appoint a board of trustees to consist of one member from each county represented. Said board of trustees shall hold their offices as follows: One for one year, one for two years, and, where three counties are represented, one for three years, and, where four counties are represented, one for four years, and, where five counties are represented, one for five years, and annually after said board is so constituted the joint board of commissioners shall appoint one trustee for a term of as many years as there are counties represented, and until his successor is appointed and qualified. Any vacancy shall be filled by an appointment in like manner for the unexpired term of the original appointment. The joint board of commissioners shall have power to remove any trustee for good and sufficient cause after a hearing upon written charges.

Board of trustees, one member from each county. Terms of office.

Removal of trustee.

Sec. 8. The board of trustees herein provided for shall prepare plans and specifications, subject to the provisions of this act, and proceed to erect the necessary buildings, and furnish the same, for a district hospital for tuberculosis. They shall appoint some suitable person who shall act as medical superintendent of such hospital and, upon the recommendation of the superintendent such nurses and other employes as may be necessary for the proper conduct of such hospital, and the trustees shall fix the compensation of said medical superintendent and of the other employes. The superintendent shall have entire charge and control of said hospital, subject to such rules and regulations as may be prescribed by the board of trustees. The trustees shall serve without compensation, but their necessary expenses when engaged in services of the board shall be paid.

Superintendent, nurses, etc., appointment of.

Compensation of trustees.

Sec. 9. Such board of trustees shall meet monthly, and until said hospital is erected and equipped, at such other

Monthly meetings.

Annual report.

times as they may deem necessary ; and said trustees shall on the first Monday in April of each year, file with the joint board of county commissioners a report of their proceedings with reference to said district hospital, and a statement of all receipts and expenditures during the year ; and shall at such time certify the amount necessary to maintain and improve said hospital for the ensuing year.

Quarterly statement.

Sec. 10. The first cost of the hospital, and the cost of all betterments and additions thereto, shall be paid by the counties comprising the district, in proportion to the taxable property of each county, as shown by their respective duplicates ; a statement shall be prepared quarterly showing the per capita daily cost for the current expense of maintaining said hospital, including the cost of the ordinary repairs, and each county comprised in the district shall pay its share of such cost as determined by the number of days the total number of patients from such county have spent in such hospital during the quarter, but the sum paid by patients from such county for their treatment therein shall be deducted from this amount. The boards of commissioners of counties jointly maintaining a district hospital for tuberculosis shall make annual assessments of taxes sufficient to support and defray all necessary expenses of such hospital.

Annual assessments.

SECTION 3. That said section 1 and 2 of an act "To provide for county hospitals for the care and treatment of inmates of county infirmaries and other residents of the county suffering from tuberculosis," passed April 2, 1908, be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.
Approved March 23, 1909.

JUDSON HARMON,
Governor.
49G.

[Senate Bill No. 4.]

AN ACT

To amend and supplement section 5 of an act entitled, "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886, as amended March 28, 1906, and to further provide against the evils resulting from the traffic in intoxicating liquors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5 of the act entitled, "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886, as amended March 28, 1906, be so amended as to read as follows:

Sec. 5. That every assessor shall return to the county auditor, with his other returns, a statement upon a blank to be furnished by such auditor for that purpose, as to every place within his jurisdiction where such business is conducted, showing the name of the person, corporation or co-partnership engaged therein, a brief and accurate description of the premises where the same is conducted, and by whom owned; said statement shall be signed and verified before such assessor by such person, corporation, or co-partnership. And if such person, corporation or co-partnership shall, on demand refuse or fail to furnish the requisite information for such statement, or to sign or verify the same, such fact shall be returned by the assessor, and thereupon such assessment on said business shall be fifteen hundred dollars. And if any assessment aforesaid shall not be paid when due, there shall be added a penalty thereto of twenty per centum which shall be collected therewith. Such statement after June 1st, 1909, shall also contain the following questions and answers thereto.

Statement of assessor to auditor.

Failure to pay assessment penalty.

Five questions which must be answered.

1. Are you, or if a firm, is any member of your firm an alien or an unnaturalized resident of the United States?

2. Have you, or any member of your firm or any officer of your corporation, ever been convicted of a felony?

3. Have you, within the past twelve months, knowingly permitted gambling to be carried on in, upon or in connection with your place of business?

4. Have intoxicating liquors been sold at your place of business to minors, except on the written order of their parents, guardians or family physicians, or to persons intoxicated or in the habit of getting intoxicated, within the past twelve months, with your knowledge?

5. Have you knowingly permitted improper females to visit your place of business within the past twelve months?

And if, after one year from the passage of this act any of the questions, numbered one to five aforesaid, be answered in the affirmative, or if said person, corporation or co-partnership shall fail or refuse to answer the same, and sign and verify them before such assessor, then, if there-

Refusal to answer questions, effect of.

Penalty.

after said person, co-partnership or corporation shall engage in the sale, furnishing or giving away of intoxicating liquor as a beverage, he (or if a firm the members of the firm, or if a corporation the officers of said corporation) shall be guilty of a misdemeanor, and upon indictment and conviction, shall be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned not less than six months nor more than two years, or both.

**False answer,
effect of.**

Sec. 5a. That whoever, makes false answer to any of the questions provided for in the preceding section, shall be deemed guilty of a misdemeanor, and upon indictment and conviction shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than three months nor more than two years, or both. And whoever, having been convicted under this section, either for himself or as partner, agent, or employe, engages in or carries on the business of selling any vinous, malt, spirituous or any intoxicating liquors as a beverage, shall upon indictment and conviction be fined not less than two hundred nor more than one thousand dollars, or imprisoned not less than six months nor more than two years, or both.

Penalty.**Complaint of
five taxpayers,
effect of.**

Sec. 5b. Upon the written complaint of five taxpayers that a place where the sale of intoxicating liquors is carried on is conducted in a disorderly or disreputable manner, the prosecuting attorney of any county where said place is situated outside a municipal corporation and the solicitor or chief law officer of any municipal corporation where the place is situated within a municipal corporation, shall or without the said complaint may institute a proceeding in the court of common pleas by petition properly verified, alleging that any such place is conducted in a disorderly or disreputable manner, making defendant or defendants in said action the person, co-partnership, or corporation conducting the said place of business, and setting forth in said petition the facts complained of. Pleadings may be filed as in other cases and issue joined, as upon an issue for the abatement of a public nuisance. Upon the motion of the plaintiff, the cause shall be advanced upon the docket of said common pleas court.

Jury trial.

On the trial of said case, if the defendant demands it, a jury shall be impanelled. Before said jury the evidence shall be adduced as in other cases and the court shall charge the jury upon the law; and if a verdict is rendered against the defendant, then the court shall order that said place be abated as a public nuisance.

Penalty.

And whoever, being the proprietor of a place which has been abated under this section, either for himself or as partner, agent, or employe, engages in or carries on the business of selling intoxicating liquors as a beverage, shall upon indictment and conviction be fined not less than two hundred nor more than one thousand dollars, or imprisoned not less than six months or more than two years, or both.

The complaining taxpayers referred to must be qualified voters of the municipal corporation, in case said place is situated in a municipal corporation, and must have resided for twelve months prior to their complaint within one thousand feet of the place complained of; and in case said place is situated without a municipal corporation, then said complaining taxpayers must within twelve months before the complaint have resided without the municipal corporation and within one-half a mile of the place complained of.

At a trial referred to in this section, an affirmative answer to any of the questions referred to, which answer is made one year from the passage of this act, shall be conclusive proof that the place where such business is carried on is conducted in a disorderly and disreputable manner.

From any conviction or judgment or order of abatement error may be prosecuted or appeal taken as in other cases.

Sec. 5c. Whoever exhibits, or permits to be exhibited, in or in connection with a place where intoxicating liquors are sold as a beverage, any lewd, lascivious or improper pictures or devices, shall be fined not less than twenty-five nor more than one hundred dollars, or imprisoned not more than thirty days, or both.

Affirmative answer, effect of.

Improper pictures, etc.

Sec. 5d. Should any of the provisions of this act be held, for any reason, to be invalid or void, the same shall not be construed or held to invalidate any other provision herein contained or any act to which this act is amendatory.

SECTION 2. That section 5 of the act entitled, "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886, as amended March 28, 1906, be and the same is hereby repealed.

SECTION 3. Any prosecuting attorney in any county in which the sale of intoxicating liquor as a beverage is prohibited may appoint a secret service officer, or officers, to aid in discovering evidence to be used at the trial of cases for violation of local option laws prohibiting the sale of intoxicating liquor. Such appointment shall be made for such term as the prosecuting attorney may deem advisable and subject to termination at any time by such prosecuting attorney. Such secret service officer, or officers, shall not receive for any one month a total amount of more than one hundred and twenty-five dollars. Such compensation shall be paid out of the county fund upon the warrant of the county prosecutor.

Secret serv-
ice officer, em-
ployment of.

If the prosecuting attorney fails to appoint such secret service officer, or officers, under the provisions of this section, within three months after March 12, 1909, or within three months after the date on which such prosecuting attorney enters upon the duties of such office, then the probate judge of such county may appoint such secret service officer, or officers, as herein provided, and the compensation shall be paid out of the county fund upon the warrant of the probate judge.

Soliciting orders in dry territory. Penalty.

SECTION 4. Any person, or persons, firm, or any officer of any corporation, who, directly or indirectly, after April 15, 1909, solicit orders for intoxicating liquor in any county or territory where the sale of such liquor as a beverage is prohibited shall be subject to a fine of not less than one hundred and fifty dollars nor more than four hundred dollars for the first offense, and for the second offense not less than four hundred dollars nor more than eight hundred dollars.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
50G.

[House Bill No. 58.]

AN ACT

To amend and supplement section 4029-4 of the Revised Statutes regarding what shall constitute a school and to provide for the appointment of two high school inspectors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4029-4 of the Revised Statutes be amended and supplemented so as to read as follows:

Sec. 4029-4. No board of education shall be entitled to collect tuition under this act unless said board shall be maintaining a regularly organized high school with a course of study extending over not less than two years and consisting mainly of branches higher than those in which the pupil is examined. The standing or grade of all public high schools in the state shall be determined by the state commissioner of common schools and his finding in reference to the standing or grade of such high schools shall be final.

Grade of High Schools, how determined.

Inspectors, appointment and duties of.

Sec. 4029-4a. To aid in the recognition and classification of high schools, established or seeking recognition in accordance with the provisions of this act, the state commissioner of common schools shall appoint two competent inspectors. Under the orders and supervision of the commissioner of schools such inspectors shall make examinations of any public schools in the state, visit teachers' institutes, confer with various school authorities and assist the state com-

missioner of common schools in such other ways as he may direct; provided, however, that the inspection herein authorized shall not be a substitute for, or take the place of, the inspection made by the Ohio State University for university purposes. In making the first appointment one of the inspectors shall be named for one year and one for two years and thereafter the appointment shall be for two years. Said inspectors shall be paid an annual salary of two thousand dollars.

Term of office,
specified.

Sec. 4029-4b. The visitors or field agents of any institution of higher learning, supported wholly or in part by the state of Ohio, shall furnish the state commissioner of common schools with a report of all inspection of public high schools made by them. The reports shall be in such form as the commissioner may prescribe.

Field agents,
report of.

SECTION 2. That section 4029-4 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
51G.

[Senate Bill No. 2.]

AN ACT

To amend section 202a of the Revised Statutes of Ohio, relating to the powers and duties of the attorney general.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 202a of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 202a. The attorney general shall have power to appoint the assistants and employes for his department hereinafter enumerated, who shall serve for the term for which he is elected unless sooner removed by him. They shall perform such duties, not otherwise provided by law, as may be assigned them by the attorney general in furtherance of the discharge of his duties for the state or as legal adviser for the several officers, departments and institutions thereof:

A first assistant attorney general who shall be an attorney-at-law. In case of the absence or disability of the attorney

First assistant.

ney general, the first assistant shall have power to perform the duties of the attorney general. He shall receive a salary of four thousand dollars per annum.

Second assistant. A second assistant attorney general who shall be an attorney-at-law, and who shall receive a salary of twenty-five hundred dollars per annum. A chief clerk, who shall be an attorney-at-law and who shall receive a salary of one thousand five hundred dollars per annum.

Bonds. Said first assistant attorney general and second assistant attorney general and chief clerk shall each give a bond to the state of Ohio in the sum of five thousand dollars to the approval of the attorney general conditioned upon the faithful discharge of their respective duties and such bonds shall be filed with and kept by the secretary of state.

Two stenographers who shall each receive a salary of one hundred dollars per month.

One messenger who shall receive a salary of fifty dollars per month.

Special counsel. In addition to the regular assistants and employes above provided, the attorney general shall have power to employ special counsel to represent the state in civil actions, criminal prosecutions or other proceedings in which the state is a party or directly interested, whenever in his judgment, the interest of the state demand such employment. The special counsel so employed shall be paid for their services out of any funds appropriated by the general assembly for such purpose.

SECTION 2. Said original section 202a of the Revised Statutes be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
52G.

[House Bill No. 26.]

AN ACT

To provide for the improvement of the penitentiary by modernizing it, by equipping it for state use labor system, and by establishing a prison farm for outdoor labor for trusted and sickly prisoners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of managers of the Ohio penitentiary is hereby authorized and directed to remodel, rebuild, alter and repair the penitentiary as follows:

Penitentiary alterations specified.

(a) To tear out the three oldest cell blocks, containing about one thousand cells, and to erect new steel cell blocks, the cells to be equipped with sanitary conveniences, and to be built with regard to light, air and ventilation.

(b) To tear out the present dining room, kitchen, bakery, laundry, and bath house, and to erect and to equip new buildings for said purposes, to build and equip a cold storage plant for the needs of the institutions.

(c) To erect a central power plant to supply power, heat and light.

(d) To tear out the present women's department, and to erect a new building or buildings for a women's department.

To make all such alterations and improvements as are necessary for modernizing the penitentiary, and for making it healthful and sanitary.

SECTION 2. The board of trustees of the Institution for Feeble-Minded Youth shall transfer to the board of managers of the penitentiary the custody of the following described real estate: The tract of land conveyed by Jas. McKinley to the state of Ohio consisting of four hundred and forty-two acres as more particularly described in the deed records of Franklin county, Ohio; this tract being a part of the custodial farm at Morgan's station. The premises herein described shall be used by the board of managers of the penitentiary as a custodial farm upon which may be employed or cared for, such prisoners, as the board of managers, and warden may direct. The board shall erect upon said farm such buildings as are necessary for the operation of the farm and the safe keeping of the prisoners. The products of this farm shall be for the use of the penitentiaries or other state institutions, but a proper system of accounting therefor shall be provided by the board of managers of the penitentiary.

Transfer of real estate.

Farm buildings, erection of.

SECTION 3. The board of managers shall equip the factory buildings of the penitentiary as they are vacated by the contractors of prison labor, for the purpose of manufacturing articles for the use of the state, or of its institutions, or of the political divisions of the state and their institutions, and shall remodel, alter, or rebuild the factory buildings as may be required for the economical manufacture of said articles.

Factory, equipment of.

SECTION 4. Said board of managers is authorized and directed to employ a competent architect or architects, engineer or engineers, superintendent or superintendents, and supervisors of labor in making all of said improvements before making any improvements, plans and specifications therefor shall be made by a competent architect and submitted to the governor and shall be approved by him. All labor upon said improvements as far as possible shall be performed by the prisoners of the penitentiary and prison farm and all materials as far as is practicable shall be obtained from land belonging to the state. The improvements shall be made in such manner and amounts as to give employment to prisoners as the contracts for prison labor expire. The board of managers is authorized and directed to furnish all proper tools, machinery and equipment for the making of the said improvements. The board of managers shall comply with the general provisions of the Statutes of Ohio, in regard to advertising and receiving bids for material and labor for the erection of public buildings.

Plans to be submitted to governor.

Bids, how received.

Prisoners, detail of, to Board of Managers.

Selection of articles to be manufactured.

SECTION 5. The warden of the penitentiary shall detail to the board of managers the prisoners needed to make the improvements including those upon the prison farm, upon the requisition of the board of managers, but the warden shall furnish the guards and shall have control of the discipline of the prisoners, and shall be responsible for their safe keeping, and shall maintain and safely transport any prisoners detailed for work at the prison farm.

SECTION 6. The board of managers in equipping the factory buildings for manufacturing articles for state use shall select as far as possible such articles to be manufactured as will teach the prisoners a useful trade, will conflict as little as possible with the already established industries of Ohio, and that will tend to make the penitentiary self-supporting and to pay a profit to the prisoners for the support of their dependent families.

SECTION 7. The board of managers and warden of the penitentiary shall arrange for the safe keeping of all prisoners while the improvements herein provided for shall be in progress.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor on March 12, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
53G.

[House Bill No. 105.]

AN ACT

To amend section 1 of an act entitled, "An act to define the rights of fathers and mothers living separate and apart from each other, or when divorced, as to the care, custody and control of their children," passed April 14th, 1893, in relation to proceedings for modification of formal orders of the court relative to custody of children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to define the rights of fathers and mothers living separate and apart from each other, or when divorced, as to the care, custody and control of their children," passed April 14, 1893, be amended so as to read as follows:

Sec. 1. When husband and wife are living separate and apart from each other, or are divorced and the question as to the care, custody and control of the offspring of their marriage is brought before any court of competent jurisdiction in this state, that the father and mother of said children shall stand upon an equality before the courts as to the care, custody and control of said offspring, so far as it relates to their being either father or mother of said children. That the court, upon hearing the testimony of either or both of said parents, corroborated by other proof, shall decide which one of them shall have the care, custody and control of such offspring, taking into account that which would be for the best interest of said children; provided, such children be ten years of age or more, they be allowed to choose which parent they prefer to live with, unless such parent so selected by said children be unfitted to take charge of said children by reason of moral depravity, habitual drunkenness or incapacity, then said court shall determine the custodian of such children; and provided further, that the above provisions permitting children ten years of age or over to choose the parent with whom they desire to live, shall apply as well to proceedings for modification of the former orders of the court, fixing the custody of such children, as in original actions. If upon such hearing it should be proven to the court that both parents are improper persons to have the care, custody and control of such children, the court may, in its discretion, either designate some reputable and discreet person to take charge of said children, or may commit them to a county or district children's home in which they or their parents have a legal settlement. The court may order either or both parents to support or help support said children, no matter who be their custodian. That said court shall have full power and authority to make any order or decree that is just and reasonable, permitting the parent who is deprived of such care, custody and control of said children to visit said children and to have temporary custody of them. An appeal to a higher court may

Father and
mother, equal-
ity of.

Choosing age.

Court order.

Appeal.

be had upon appellant giving bond with one good surety to the adverse party, approved by the court from whose decree appealed, to be in sum determined by the court, but in no case to be less than accrued costs and a fair estimate of accruing costs. The court before whom such case is heard shall have full power to decree costs of such proceeding against either party, or to divide them in any proportion.

SECTION 2. That said section 1 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
54G.

[Senate Bill No. 8.]

AN ACT

To amend sections 2 and 3 (548 and 548-35) of the Revised Statutes of an act entitled, "An act conferring concurrent jurisdiction in certain matters upon courts of insolvency," passed April 16, 1900 (Ohio Laws, Vol. 94, 353) by conferring additional jurisdiction upon courts of insolvency and providing for the taking of appeals and the prosecution of error in such cases from the insolvency court to the circuit court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2 and 3 of an act conferring concurrent jurisdiction in certain matters upon courts of insolvency, passed April 16th, 1900, be amended to read as follows:

*Insolvency
courts, juris-
diction of.*

Error.

Sec. 2. The said courts of insolvency shall have jurisdiction concurrent with that now, or which may hereafter be, vested in the probate court of such counties in all proceedings under the provisions of chapter 8, title 2 of the Revised Statutes, to determine the amount of compensation to be made to the owner of real estate when appropriated by any corporation legally authorized to make such appropriation, and from orders, decrees and judgments in such cases error may be prosecuted in the court of common pleas

in the same manner and to the same extent in all respects as is provided in such cases when determined in the probate court.

Sec. 3. The said courts of insolvency shall have jurisdiction concurrent with that now, or which may hereafter be, vested in the court of common pleas of such counties in the following matters, viz:

1. Allowing and issuing writs of habeas corpus and determining the validity of the detention of the persons brought before it on such writs: Habeas corpus.
2. All actions in which a receiver may be appointed Receivers. under section 5587 of the Revised Statutes:
3. All actions for the dissolution of corporations under Dissolutions. sections 5651 and 5673 of the Revised Statutes:
4. All actions under section 5848 of the Revised Statutes to enjoin the illegal levy of taxes and assessments, or the collection of either, and all actions to recover back under such taxes or assessments as have been collected: Taxes, etc.
5. All actions in replevin brought by or against an assignee for the benefit of creditors; or for the recovery of assets assigned to such assignee; or to enforce the allowance of claims disallowed by such assignee, under sections 6352 and 6353 of the Revised Statutes; or by creditors under sections 6343 and 6344 of the Revised Statutes to declare void all acts intended to hinder, delay or defraud creditors; or to set aside assignments for the benefit of creditors: Replevin, etc.
6. All actions to dissolve co-partnerships, settle co-partnership accounts or compel accounting in co-partnership transactions: Partnerships.
7. All actions under section 6443 of the Revised Statutes between claimants to property or money paid into court in appropriation proceedings:
8. All actions and proceedings in aid of execution:
9. All actions to compel the specific performance of a contract for the sale of real estate; all actions by municipal corporations to recover judgments against owners of property for unpaid assessments for street improvements; or to enforce the lien of such assessments; and all proceedings under the municipal code to assess damages on claims filed by owners of property; all actions by owners of property against municipal corporations for damages resulting from the establishment, or change, of the grade of streets; all actions for divorce and alimony. Specific performance.
10. And from orders, decrees and judgments in such cases appeals may be taken, and error prosecuted, to the circuit court in the same manner, and to the same extent, in all respects, as is provided by law in such cases respectively when determined in the court of common pleas; and all laws giving authority to issue injunctions, and regulating the practice in the common pleas court in such cases prescribing the form and effect of its orders, decrees and judgments, and authorizing and directing the execution thereof, shall be held to extend to the courts of insolvency. Appeal and error.

SECTION 2. That said original sections 2 and 3 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
55G.

[Senate Bill No. 42.]

AN ACT

To amend section 21 of the Municipal Code of 1902, by providing for the prosecution of error in certain cases from the insolvency court to the circuit court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 21 of the municipal code of 1902 be amended so as to read as follows:

Error.
Execution, suspension of.
Appeal from Probate Court.

Sec. 21. The municipal corporation, or the owner of any property, the value of which has been assessed, as herein provided, shall have the right to prosecute error as in other civil actions, and error shall lie to the circuit court from the judgments of the trial court, except that from the judgments of the probate court error shall lie to the court of common pleas; provided, that the trial court may, upon proper terms, suspend the execution of any order, but in all cases where the municipal corporation pays or deposits the compensation assessed, and gives adequate security for any further compensation and costs, the right to take and use the property condemned shall not be affected by any such review. Where the proceeding is had in the probate court any party interested in the inquiry and assessment may take an appeal to the court of common pleas, and thereupon the same proceeding shall be had as if the application had been originally made in that court, except that the corporation shall not be required to give notice of its application and the inquiry and assessment shall be limited to the case of the party taking the appeal, and the court shall make such order for the payment of the cost accruing upon the appeal as may seem equitable and just.

SECTION 2. That said original section 21 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
56G.

[Senate Bill No. 80.]

AN ACT

To amend section 3 of the act approved April 15, 1908, entitled, "An act requiring manufacturers and distributors to label white lead, paints, mixed paints and similar compounds," by eliminating the provision requiring the formula to be placed on the package.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act approved April 15, 1908, entitled, "An act requiring manufacturers and distributors to label white lead, paint, mixed paints and similar compounds," be amended so as to read as follows:

Label, what to state.

Sec. 3. The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, or of the distributor thereof or of the party for whom the same is manufactured, and show the name or names of any substance or substances used in quantities sufficient to be dangerous or injurious to human life or health either through absorption, contact or inhalation. Said label shall be printed in English language in plain legible type in continuous list with no intervening matter of any kind.

SECTION 2. That section 3 of the above entitled act be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it

originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
57G.

[Senate Bill No. 125.]

AN ACT

To amend sections 6781 and 6782 of the Revised Statutes of Ohio, relative to the authority of courts over trustees of defunct corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That said sections 6781 and 6782 of the Revised Statutes of Ohio be and the same hereby are amended so as to read as follows:

Dissolution of corporations; appointment of trustees by court.

Sec. 6781. The court rendering a judgment dissolving a corporation shall appoint a trustee or trustees, not exceeding three in number, for the benefit of the creditors and stockholders thereof, who shall each severally give an undertaking payable to the state of Ohio, in such sum and with such sureties as the court may designate and approve, conditioned that he or they will faithfully discharge their respective trusts in accordance with the orders of said court or of the court to which such quo warranto proceedings may be remanded, as hereinafter provided, and properly pay and apply all money and other property that may come into his or their hands, as such trustee or trustees, in accordance with such orders.

Remanding to Common Pleas.

Upon the appointment and qualification of said trustee or trustees as aforesaid, the supreme court or the circuit court, in which such proceedings have been instituted, may remand the proceedings to the court of common pleas of the county in which the corporation has or last had its principal place of business for further proceedings in accordance with law; and upon such proceedings being so remanded, said court of common pleas shall become and be vested with full jurisdiction of same, and shall have the same power with reference thereto as the supreme court or such circuit court would have had if such proceedings had not been remanded; and the jurisdiction of the supreme court or circuit court of the proceedings so remanded shall cease upon such remand being made; provided, however, that any party to proceedings against corporations under this chapter, including said trustee or trustees, may prosecute error to any order made in said proceedings in the same manner as in civil cases.

Error.

Order of court, effect of.

The orders of the court in which such quo warranto proceedings are instituted or of the court to which such pro-

ceedings are remanded shall be binding upon the trustee or trustees, stockholders, creditors and other persons interested in said corporation, unless reversed by appropriate proceedings therefor.

Sec. 6782. Upon the appointment and qualification of such trustee or trustees, as hereinbefore provided, he or they shall forthwith give notice of the order dissolving said corporation and of his or their appointment as trustee or trustees thereof, and of the date of his or their appointment, by publication once a week for four consecutive weeks in a newspaper of general circulation in the county in which said corporation has or had its principal place of business; and in such notice shall require all persons having claims against said corporation to file such claims with such trustee or trustees within ninety days from the date of his or their appointment. All claims not filed with such trustee or trustees within ninety days from the date of the appointment of such trustee or trustees shall be barred as against said trustee or trustees and the property of said corporation, unless the court for good cause shown shall otherwise order.

If, in the judgment of such trustee or trustees, any claim or claims so filed with them are for any reason not valid claims against the estate of such corporation, such trustee or trustees shall notify the claimant or claimants that their respective claims are rejected by written notice by registered mail, directed to their last known address. Such claimants at any time within ninety days from the mailing of such notice of rejection shall have the right without leave of court to sue such trustee or trustees for the recovery of such claim or claims in any court of competent jurisdiction in the county in which such corporation has or had its last principal place of business; and should such suit finally terminate in favor of such claimant, the judgment therein obtained by him shall be entitled to share with other claims against said corporation, in the same manner and to the same extent as if such claim had been allowed in the first instance by such trustee or trustees. Upon the failure of any such claimants to bring such suit within ninety days from the date of the mailing of the notice that same is rejected by such trustee or trustees, such claim shall be barred and unenforceable against said trustee or trustees or the property of said corporation, unless the court for good cause shown shall otherwise order.

The trustee or trustees so appointed shall be subject to the orders of the court appointing them or of the court to which such quo warranto proceedings may be remanded, and shall be vested with the title to all the estate, real and personal, of the corporation from the date of his or their appointment and qualification, as hereinbefore provided, and under and subject to the orders of such court shall have power to settle the affairs of the corporation, collect and pay outstanding debts, and divide among the stockholders the money and other property which may remain after the pay-

Duties of trustee, as to notice of court order.

Claims not filed within ninety days, barred.

Rejected claims.

Failure to bring suit, effect of.

Powers of trustee.

Stockholders and creditors.

ment of debts and necessary expenses; and shall have authority to file in the court of his or their appointment, or to which such proceedings may be remanded, as the case may be, motions, applications for instructions or orders and other pleadings; and in the enforcement of any and all demands shall have any and all rights which the stockholders or creditors of said corporation might otherwise be entitled, as such stockholders or creditors, to enforce, in addition to the rights of the corporation itself; and the stockholders and creditors of such corporation shall not be entitled to enforce any such rights except upon the refusal of such trustee or trustees to do so within a reasonable time upon demand therefor by such stockholders and creditors.

Demands by trustee.

The trustee or trustees upon his or their appointment and qualification shall forthwith demand all money, property, books, deeds, notes, bills, obligations and papers of every description within the custody, power or control of the officers of the corporation, or either of them or any other persons, belonging to the corporation, or in any wise necessary for settlement of its affairs or for the discharge of its debts and liabilities; and he or they shall be authorized without leave of court to sue for and recover in the name of such trustee or trustees the demands and property of the corporation; and he or they shall be severally liable to the creditors and stockholders to fully and faithfully administer his or their respective trusts, in accordance with the orders of the court, as hereinbefore provided.

Liability of trustee.

The trustee or trustees shall as soon as possible after his or their appointment prepare and report to such court a statement of assets and liabilities of such corporation; and at such times as may be ordered by such court, shall report to it, his or their proceedings as such trustee or trustees; and upon collecting such assets as may be collectible and disbursing same to the approval of such court, the said trustee or trustees and his or their surety or sureties shall be by order of such court discharged from any and all further liability in the premises.

Application of this amendment.

SECTION 2. That the foregoing amendment shall apply to all trustees of corporations who may be hereafter appointed in quo warranto proceedings and to all trustees heretofore appointed in such proceedings, who are at the date of the passage of this act still engaged in the execution of their trust.

SECTION 3. That sections 6781 and 6782 of the Revised Statutes of Ohio be and the same hereby are repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it

originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
58G.

[Senate Bill No. 112.]

AN ACT

To amend section 3 of an act entitled, "An act to provide against the adulteration of food and drugs," passed March 20, 1884, as amended April 22, 1890, April 20, 1904, April 2, 1906, and May 1, 1908, by adopting the federal standards for flavoring extracts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act to provide against the adulteration of food and drugs," passed March 20, 1884, as amended April 22, 1890, April 20, 1904, April 2, 1906, May 1, 1908, be amended so as to read as follows:

Sec. 3. An article shall be deemed to be adulterated Adulterations. within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, but which is found in some other pharmacopoeia, or other standard work on *materia medica*, it differs materially from the standard of strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol.

Drugs.

(b) In the case of food, drink, confectionery or condiment: (1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in

Food, drink,
confectionery,
etc.

part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not or, in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (9) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, but is found in some other pharmacopoeia, or other standard work on *materia medica*, it differs materially from the standard of strength, quality or purity laid down in such work; (10) if the strength, quality or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol.

Flavoring extracts.

(c) In the case of flavoring extracts: (1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it is colored whereby damage or inferiority is concealed, or if it by any means is made to appear better or of greater value than it really is; (6) if it contains any added substance or ingredient which is poisonous or injurious to health; (7) if the strength, quality or purity falls below the professed standard under which it is sold; (8) if it contains any methyl or wood alcohol; (9) if, when sold under or by any one of the following names it differs from the standard hereby fixed therefor; (1) Almond extract shall be the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and shall contain not less than one (1) per cent. by volume of oil of bitter almonds; (2) anise extract shall be the flavoring extract prepared from oil of anise, and shall contain not less than three (3) per cent. by volume of oil of anise; (3) celery seed extract shall be the flavoring extract prepared from celery seed or the oil of celery seed, or both, and shall contain not less than three-tenths (0.3) per cent. by volume of oil of celery seed; (4) cassia extract shall be the flavoring extract prepared from oil of cassia, and shall contain not less than two (2) per cent. by volume of oil of cassia; (5) cinnamon extract shall be the flavoring extract prepared from oil of cinnamon, and shall contain not less than two (2) per cent. by volume of oil of

Purity.

Cinnamon.

cinnamon; (6) clove extract shall be the flavoring extract prepared from oil of cloves, and shall contain not less than two (2) per cent. by volume of oil of cloves; (7) ginger extract shall be the flavoring extract prepared from ginger, and shall contain in each one hundred (100) cubic centimeters the alcohol-soluble matters from not less than twenty (20) grams of ginger; (8) lemon extract shall be the flavoring extract prepared from oil of lemon, or from lemon peel or both, and shall contain not less than five (5) per cent. by volume of oil of lemon; (9) terpeneless extract of lemon shall be the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol, and shall contain not less than two-tenths (0.2) per cent. by weight of citral derived from oil of lemon; (10) nutmeg extract shall be the flavoring extract prepared from oil of nutmeg, and shall contain not less than two (2) per cent. by volume of oil of nutmeg; (11) orange extra shall be the flavoring extract prepared from oil of orange, or from orange peel, or both, and shall contain not less than five (5) per cent. by volume of oil of orange; (12) terpeneless extract of orange shall be the flavoring extract prepared by shaking oil of orange with dilute alcohol, or by dissolving terpeneless oil of orange in dilute alcohol and shall correspond in flavoring strength to orange extract; (13) peppermint extract shall be the flavoring extract prepared from oil of peppermint or from peppermint, or both, and shall contain not less than three (3) per cent. by volume of oil of peppermint; (14) rose extract shall be the flavoring extract prepared from otto of roses, with or without rose petals, and shall contain not less than four-tenths (0.4) per cent. by volume of otto of roses; (15) savory extract shall be the flavoring extract prepared from oil of savory, or from savory, or both, and shall contain not less than thirty-five hundredths (0.35) per cent. by volume of oil of savory; (16) spearmint extract shall be the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and shall contain not less than three (3) per cent. by volume of oil of spearmint; (17) star anise extract shall be the flavoring extract prepared from oil of star anise, and shall contain not less than three (3) per cent. by volume of oil of star anise; (18) sweet basil extract shall be the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and shall contain not less than one-tenth (0.1) per cent. by volume of oil of sweet basil; (19) sweet marjoram extract, marjoram extract, shall be the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and shall contain not less than one (1) per cent. by volume of oil of marjoram; (20) thyme extract shall be the flavoring extract prepared from oil of thyme, or from thyme, or both, and shall contain not less than two-tenths (0.2) per cent. by volume of oil of thyme; (21) tonka extract shall be the flavoring extract prepared from tonka bean, with or without sugar or glycerin, and shall

Lemon.

Nutmeg.

Peppermint.

Spearmint.

Vanilla. contain not less than one-tenth (0.1) per cent. by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof; (22) vanilla extract shall be the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of the vanilla bean; (23) wintergreen extract shall be the flavoring extract prepared from oil of wintergreen, and shall contain not less than three (3) per cent. by volume of oil of wintergreen. All of said flavoring extracts shall be a solution in ethyl alcohol of proper strength of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, and shall conform in name to the plant used in its preparation.

SECTION 2. That said original section 3 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 12, 1909.

This bill was presented to the governor March 12, 1909, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 25, 1909.

JOHN W. DEVANNEY,
Veto Clerk.
59G.

JOINT RESOLUTIONS

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION.

Relative to the appointment of a committee to wait on the governor to inform him that the general assembly is in session.

Be it resolved by the General Assembly of the State of Ohio:

That a committee of three on the part of the senate and three on the part of the house, be appointed to wait on the governor and inform him that the general assembly is now in session and ready to receive any communications which he may see fit to transmit.

FRANCIS W. TREADWAY,
President of the Senate.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

Adopted January 22, 1909.

I

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Relative to a joint convention to canvass the vote

Be it resolved by the General Assembly of the State of Ohio,

That the two houses of the general assembly meet in joint convention, in accordance with the provisions of the Constitution and the Statutes, on Tuesday, January 5th 1909, at 11 o'clock a. m., in the hall of the house of representatives, to witness the opening, publishing and declaring the result of the returns of the votes cast for governor and other state officers, at the election held on the first Tuesday after the first Monday in November, 1908.

FRANCIS W. TREADWAY,
President of the Senate.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

Adopted January 22, 1909.

2

[Amended Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Relative to the appointment of a committee on joint rules.

Be it resolved by the General Assembly of the State of Ohio:

That a joint committee of three on the part of the senate and three on the part of the house, be appointed to propose and report joint rules for the government of the two houses.

FRANCIS W. TREADWAY,
*President of the Senate.*GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

Adopted January 21, 1909.

3

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Relative to the appointment of a committee on inauguration.

Be it resolved by the General Assembly of the State of Ohio:

That a committee of five on the part of the senate and ten on the part of the house, be appointed to make the necessary arrangements for the inauguration of the governor-elect, Honorable Judson Harmon, on Monday, January 11th, 1909.

FRANCIS W. TREADWAY,
*President of the Senate.*GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

Adopted January 21, 1909.

4

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the State of Ohio:

That when the general assembly adjourns on Tuesday, January 5th, 1909, it shall be to meet on Monday, January 11th, 1909, at 9 o'clock, a. m.

FRANCIS W. TREADWAY,
*President of the Senate.*GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

Adopted January 22, 1909.

5

[House Joint Resolution No. 2.]

JOINT RESOLUTION

Relative to a joint session of the House and Senate.

Be it resolved by the General Assembly of the State of Ohio:

That the members of the two branches of the general assembly meet in joint convention in the hall of the house of representatives at 12 o'clock, noon, on Wednesday, January 13th, 1909, for the purpose of taking such action relative to the selection of a United States senator in the congress of the United States, as is provided by law.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted January 20, 1909.

6

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Relative to a joint committee to wait on the governor.

Be it resolved by the General Assembly of the State of Ohio

That a committee of three on the part of the senate and three on the part of the house be appointed by the president of the senate and the speaker of the house respectively to wait upon Governor Harmon and ascertain whether the governor has any message or other communication to transmit to the 78th general assembly now assembled in extraordinary session, and to make immediate report to the senate and house.

FRANCIS W. TREADWAY,
President of the Senate.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

Adopted January 22, 1909.

7

[Senate Joint Resolution No. 8.]

JOINT RESOLUTION

Relative to the printing in pamphlet form of a list of members and standing committees.

Be it resolved by the General Assembly of the State of Ohio:

That the clerk of the senate and the clerk of the house of representatives are hereby directed to have printed in pamphlet form, a list of the

members of the senate and house, together with a list of the standing committees of each house, fifteen hundred copies for the use of the senate and thirty-five hundred copies for use of the house of representatives.

FRANCIS W. TREADWAY,
President of the Senate.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

Adopted January 22, 1909.

8

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

Relative to recess and adjournment of the extraordinary session of the seventy eighth general assembly.

Be it resolved by the General Assembly of the State of Ohio:

That the house and senate recess from January 22nd, 1909, to convene on February 15, 1909, at 1:30 p. m.; that during said recess the committees of the house and senate respectively shall consider such matters as may properly be before them, or may pertain to their duties; and that the extraordinary session of the 78th general assembly adjourn sine die on March 12, 1909, at 4:00 p. m.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted January 22, 1909.

9

[Senate Joint Resolution No. 9.]

JOINT RESOLUTION

Relative to the participation in the benefits of the retiring fund of the Carnegie foundation for the advancement of teaching by the Ohio University, at Athens, the Miami University, at Oxford, and the Ohio State University, at Columbus.

WHEREAS, Mr. Andrew Carnegie has recently increased the endowment of the Carnegie Foundation for the Advancement of Teaching in order to extend the benefits of the retiring fund to deserving teachers in state-supported higher institutions of learning; and

WHEREAS, Mr. Carnegie has made it necessary for such institutions, before the professors are eligible to receive the retiring allowances, to secure the approval of their applications by the legislature of the state and the governor of the state; and

WHEREAS, It is evident that such an enlightened and liberal provision will bring far-reaching and beneficent results in advancing the dig-

uity of the teacher's office and in increasing the efficiency and promoting the elevation of the standards in American colleges and universities; therefore

Be it resolved by the General Assembly of the State of Ohio:

That the board of trustees of each of the following-named state institutions of learning, namely, the Ohio University, at Athens, the Miami University, at Oxford, and the Ohio State University, at Columbus, be authorized and directed to make effort to secure and accept for the institution under its control the full benefits of the retiring fund of the Carnegie Foundation for the Advancement of Teaching, and that this joint resolution be submitted to the governor of Ohio for his approval.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted February 16, 1909.

10

[Am. House Joint Resolution No. 6.]

JOINT RESOLUTION

Relative to Perry's victory centennial commission.

WHEREAS, The seventy-seventh general assembly of Ohio unanimously adopted house joint resolution No. 97, authorizing the governor of Ohio to appoint a commission of five members "to prepare and carry out plans for a centennial celebration" to be held at Put-in-Bay Island in the year 1913, in commemoration of the one hundredth anniversary of the Battle of Lake Erie, and "inviting the national and state governments and the American people at large to participate and take part in said centennial celebration;" and,

WHEREAS, Said commissioners were duly appointed by Governor Andrew L. Harris, June 22nd, 1908, and the objects of their appointment require larger and more representative commission in order to properly carry on the work contemplated; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the governor is hereby authorized to appoint four additional commissioners to serve in conjunction with the present board of five, making a full board of nine members serving without compensation; and the governor is further authorized to fill by appointment all vacancies occurring in said commission, and shall have power to remove any member of said commission at his option.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

President of the Senate.
FRANCIS W. TREADWAY,

Approved 1909.

[House Joint Resolution No. 14.]

JOINT RESOLUTION

Assenting to the purpose of an act of Congress for increased appropriations for agricultural experiment stations and providing for the control and expenditure of such appropriations:

WHEREAS, The congress of the United States of America has passed an act, approved March sixteenth, nineteen hundred and six, to provide for an increased annual appropriation for agricultural experiment stations established under the provisions of an act of congress, approved March second, eighteen hundred and eighty-seven; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That assent is hereby given to the purposes of said act of congress, approved March sixteenth, nineteen hundred and six, and that the moneys thereby appropriated to the state of Ohio be expended and controlled by the board of control of the Ohio agricultural experiment station, in conformity with the regulations prescribed by said act of congress.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 5, 1909.

12

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Relative to requesting Congress to remove the duty on lumber, timber and their raw products.

WHEREAS, The researches of the National Conservation Commission under the direction of the president, indicate the exhaustion of the domestic forests within twenty to thirty years, which will be a national calamity, and

WHEREAS, In this state and in all others, lumber and its products are one of the necessities of life and in general use by all our people, and

WHEREAS, The only present practical means of extending the duration of our domestic forests is to reduce the drain on them, and

WHEREAS, The price of lumber and all forms of wood continuously advance, thereby imposing a great hardship on our people, and

WHEREAS, The government should not be a party, by its fiscal legislation, to the imposition of these exorbitant prices; therefore

Be it resolved by the General Assembly of the State of Ohio,

That our United States senators and representatives in congress are hereby respectfully requested to use all honorable means within their power to have all duties on lumber, timber, and their raw products forthwith removed and to have the same placed as soon as possible on the free list.

Resolved, Further, That copies of this resolution, duly signed by the respective officers of both houses, be sent to each of our said representatives in congress, and to the Hon. Sereno E. Payne, chairman of the ways and means committee of the national house of representatives.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 5, 1909.

13

[Senate Joint Resolution No. 16.]

JOINT RESOLUTION

Relative to the report of the Ohio codifying commission and the printing thereof.

Be it resolved by the General Assembly of the State of Ohio:

That the commissioners heretofore appointed, under and by virtue of the act of April 2, 1906, (98 O. L. 221), to provide for the revision and consolidation of the statute laws of Ohio, shall report on the first day of the regular session of the 78th general assembly, which convenes on the first Monday in January, 1910, all of the work of the said commission, printed and completed in all respects according to the requirements of Sec. 3 of said act of April 2, 1906, (98 O. L. 221). That it is the sense of this general assembly that no further time than as above specified be given for said work and no further appropriations, except such as are contained in the general appropriation bill to be passed at this extraordinary session, be made therefor.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 5, 1909.

14

[House Joint Resolution No. 17.]

JOINT RESOLUTION

Authorizing the auditor of state to issue pay-in-order to the treasurer of state

WHEREAS, "Conscience money" in the sum of three hundred dollars is now being held by the state treasurer.

WHEREAS, The state treasurer has no lawful authority to credit said sum to any fund in said treasury and said sum cannot be used or expended for any purpose whatever; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the auditor of state be authorized and directed to issue a pay-in-order to the treasurer of state for said sum to the credit of the general revenue fund.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 9, 1909.

15

[House Joint Resolution No. 21.]

JOINT RESOLUTION

Amending S. J. R. No. 9, by Mr. Tuttle, relative to securing the benefits of Carnegie fund for the advancement of teaching.

To amend S. J. R. No. 9, by Mr. Tuttle, so as to read as follows:

WHEREAS, Mr. Andrew Carnegie has recently increased the endowment of the Carnegie Foundation for the Advancement of Teaching in order to extend the benefits of the retiring fund to deserving teachers in state-supported higher institutions of learning; and

WHEREAS, Mr. Carnegie has made it necessary for such institutions, before the professors are eligible to receive the retiring allowances, to secure the approval of their applications by the legislature of the state, and the governor of the state; and

WHEREAS, It is evident that such an enlightened and liberal provision will bring far-reaching and beneficent results in advancing the dignity of the teacher's office and in increasing the efficiency and promoting the elevation of the standards in American colleges and universities; therefore,

Be it resolved by the General Assembly of the State of Ohio,

That the board of trustees of each of the following named state institutions of learning, namely, the Ohio University, at Athens; the Miami University, at Oxford, the Ohio State University, at Columbus, and Wilberforce University, at Wilberforce, be authorized and directed to make effort to secure and accept for the institution under its control the full benefits of the retiring fund of the Carnegie Foundation for the Advancement of Teaching, and that this joint resolution be submitted to the governor of Ohio for his approval.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 9, 1909.

16

[Senate Joint Resolution No. 19.]

JOINT RESOLUTION

Relative to recess of the extraordinary session of the 78th general assembly.

Be it resolved by the General Assembly of the State of Ohio,

That the house and senate recess on Tuesday, March 9, 1909, and reconvene on Friday, March 12, 1909, at 9:30 o'clock a. m.

GRANVILLE W. MOONEY,
*Speaker of the House of Representatives.*FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 9, 1909.

17

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

Authorizing and directing the appointment of a commission to investigate the question of a befitting celebration for the occasion of the one hundredth anniversary of the city of Columbus, and to be known as "The Columbus Centennial Commission."

WHEREAS, The year nineteen hundred and twelve will be the one hundredth anniversary of the city of Columbus, the capital of the great state of Ohio, and the largest city in the world named in honor of the discoverer of our grand and glorious country, Christopher Columbus, and

WHEREAS, It would be right and proper that this great occasion be celebrated in a way that would add dignity and prestige to our already noted state, and

WHEREAS, Other states of the Union have on different occasions celebrated anniversaries of no greater consequences, successfully and with honor; therefore

Be it resolved by the General Assembly of the State of Ohio,

That the governor of the state, be, and he is hereby authorized and directed to appoint a commission of four electors of the state, who shall serve without pay, and in conjunction with a like commission appointed by the mayor of the city of Columbus, by and with the authority of the city council of said city, and to be known as "The Columbus Centennial Commission," whose duty it shall be to investigate the question of a befitting celebration for this occasion, and report their findings to the governor, who in turn shall transmit them to the next regular meeting of the general assembly with such recommendations as in his opinion seems best.

GRANVILLE W. MOONEY,
*Speaker of the House of Representatives.*FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 9, 1909.

18

[House Joint Resolution No. 15.]

JOINT RESOLUTION

Petitioning our senators and representatives in Congress to enact more stringent immigration laws.

WHEREAS, The dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home and the American laborer; and

WHEREAS, There are now many bills before the congress of the United States for the better regulation of immigration and the revision of the tariff; and

WHEREAS, The regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

WHEREAS, A protective tariff, without proper immigration regulation, is a travesty on the industrial problem, therefore,

Be it resolved by the General Assembly of the State of Ohio:

That we respectfully ask our senators and representatives in congress to enact more stringent immigration laws to protect our people, both native-born and naturalized against wholesale immigration from foreign lands.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

19

[House Joint Resolution No. 11.]

JOINT RESOLUTION

Authorizing the board of trustees of the Athens State Hospital for the Insane, to convey certain lands to the incorporated city of Athens, Ohio.

WHEREAS, The state of Ohio is the owner of so much of out-lot No. 67 in the city of Athens, Ohio, as lies north of the right of way of the Baltimore and Ohio Southwestern Railroad Company, which said premises are used by the Athens State Hospital for farming purposes; and

WHEREAS, The municipal water works and electric light plant of the city of Athens, Ohio, is situated immediately east of said out-lot No. 67; and

WHEREAS, The said city of Athens, Ohio, is desirous of constructing a railroad switch to its said plant; and

WHEREAS, The only route to construct said switch is over the south-east portion of the above described part of said out-lot No. 67; and

WHEREAS, The construction of said switch would in no wise injure the general purpose of the lands of said state hospital, and the same being necessary for the use of said city; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the board of trustees of the Athens State Hospital for the Insane be, and they are hereby authorized to sell and convey a strip of land not exceeding in the aggregate one hundred feet in width off of the east side of so much of out-lot No. 67 in the city of Athens, Ohio, as lies north of the right of way of the Baltimore and Ohio Southwestern Railway Company for such compensation as may be agreed upon by said board of trustees and said village; and that the president and secretary of the said board of trustees be, and they are hereby authorized to make, execute, and deliver a deed for the premises aforesaid, or so much thereof as said board of trustees may in their wisdom deem necessary to convey, and that the compensation for said premises be paid into the state treasury to the credit of the general revenue fund.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

20

[Senate Joint Resolution No. 21.]

JOINT RESOLUTION

Relative to providing for returning to the state of Alabama, upon the request of the governor of that state, the flag captured by the 4th Ohio Volunteer Cavalry at Selma, Alabama.

WHEREAS, Governor Braxton B. Comer, of Alabama, having requested of the governor of Ohio the return to that state of the flag captured by the 4th Ohio Volunteer Cavalry at Selma, Alabama, and;

WHEREAS, The survivors of the 4th Ohio Volunteer Cavalry being in favor of returning this flag to the state of Alabama as requested; therefore

Be it resolved by the General Assembly of the State of Ohio:

That the governor of Ohio is hereby authorized and empowered to withdraw from the relic room of the capitol building said flag, and to designate not more than two persons who were members of the 4th Ohio Volunteer Cavalry to personally deliver the flag to the governor of Alabama at the capitol of that state.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

*Adopted March 12, 1909.

21

[Senate Joint Resolution No. 20.]

JOINT RESOLUTION

Relative to having two thousand (2,000) copies of S. B. No. 128, by Mr. Alsdorf, printed for the use of the members of the general assembly.

Be it resolved by the General Assembly of the State of Ohio:

That two thousand (2,000) additional copies of senate bill number 128 by Mr. Alsdorf "to provide for the laying out, construction, repair, or improvement of any public road or any part thereof, and for the straightening, widening, or altering, and draining of the same by the county commissioners," be printed for the use of the members of the general assembly.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

22

[House Joint Resolution No. 30.]

JOINT RESOLUTION

Relative to appointing a committee to consult and advise with the board of managers of the penitentiary about the equipment of the buildings and the installation of machinery for the manufacture of articles for state use.

WHEREAS, By an act, passed March 29th, 1906, contract labor in both the Ohio penitentiary and the Ohio state reformatory, at Mansfield, was prohibited after the expiration of the contracts for prison labor then in force, and it was further provided by such act that the prisoners in such institutions should be employed for the purpose of manufacturing supplies for state institutions, or for the state, or the political divisions thereof, and the preparation and manufacture of building materials for the construction and repair of state institutions, or the manufacture or production of crushed stone, brick, tile and culvert pipe suitable for draining wagon roads, or the production and preparation of road building and ballasting materials, to be used in the construction or repair of public roads; and

WHEREAS, A special committee composed of Senators P. W. Ward, Isaac E. Huffman and Charles Lawyer and Representatives William G. Frizell, H. J. Ritter and L. G. Neely was appointed by the 77th general assembly, to investigate the general subject of penitentiary management, buildings and convict labor, for the purpose of improving the condition of the Ohio penitentiary, which committee reported the result of its investigation to the governor and made certain recommendations; and

WHEREAS, At the present session an act has been passed making an appropriation for the purpose of carrying into effect the provisions of said act of March 29th, 1906, as recommended by said special committee, through the purchase of machinery for equipping the factory buildings

at the penitentiary and installing such machinery for the purpose of beginning the manufacture of articles for state use, in order to provide employment for the convicts confined therein, such appropriation to be expended under the direction of the board of managers of that institution; therefore

Be it resolved by the General Assembly of the State of Ohio:

That a committee consisting of Senators I. E. Huffman and Charles Lawyer and Representatives H. J. Ritter and H. M. Finley is hereby appointed with power and authority to consult and advise with the board of managers of the Ohio penitentiary about the equipment of the factory buildings and the installation of the machinery for the manufacture of articles for state use and state institutions, as provided for in said act; and to suggest such additional legislation as may be necessary or requisite to provide for the employment of the convicts in the penitentiary under the public use labor system; and be it further

Resolved, That said committee shall make a written report of its findings to the general assembly at its next session in January, 1910, together with such recommendations for legislation in connection therewith as it may deem wise.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

23

[House Joint Resolution No. 19.]

JOINT RESOLUTION

To secure certain information regarding the canals of Ohio.

Be it resolved by the General Assembly of the State of Ohio:

That the governor be, and he is hereby authorized and required to appoint four citizens of the state, two of each of the leading political parties, who together with himself shall constitute a commission, which commission shall be empowered and required to proceed as soon after their appointment as possible, to make a careful examination and investigation of the condition of the canals of the state and report not later than February 1st, 1910, to the general assembly of Ohio, the result of such investigation, and shall make such recommendation for legislation as, in its judgment may be necessary and proper regarding the same.

Such commission shall receive such compensation for their services as the governor may deem proper, the same to be paid upon proper voucher signed by the governor.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

24

[House Joint Resolution No. 27.]

JOINT RESOLUTION

Relative to the appointment of a joint committee for the purpose of investigating the feasibility of making a certain improvement to prevent the overflow of the Mercer County Reservoir.

WHEREAS, The state of Ohio in the past twenty years has paid to the citizens of Mercer county, Ohio, damages in the sum of about fifty thousand dollars, on account of injury to lands and personal property caused by the overflow of the Mercer county reservoir in said county; and

WHEREAS, A revenue of about two hundred thousand dollars has been derived by the state of Ohio from said reservoir in the past twenty years; and

WHEREAS, Expert engineers are of the opinion that, with an expenditure of thirty-five thousand dollars on the part of the state of Ohio in widening, deepening and straightening the channels of Beaver ditch and Wabash river in said county, leading from said reservoir, all overflow from said reservoir will be entirely prevented and all claims for damages will in the future be avoided; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That a joint committee, consisting of two members from the senate and two members from the house be appointed by the president of the senate and the speaker of the house, for the purpose of investigating the feasibility of said improvement, and that, in making such investigation, said committee is hereby authorized to call to its aid the services of the engineer of the state board of public works and one additional engineer from Mercer county, Ohio, to be selected by said committee for that purpose, and that such committee report its findings to the general assembly on the first day of the next session thereof, in 1910, and that all expense connected with such investigation be paid by Mercer county, Ohio.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

25

[Senate Joint Resolution No. 23.]

JOINT RESOLUTION

Relative to the clerk of the Senate and the clerk of the House of Representatives being authorized to have printed five thousand copies of the manual of legislative practice.

Resolved by the General Assembly of the State of Ohio,

That the clerk of the senate and the clerk of the house of representatives be and they are hereby authorized and directed to have printed, and bound in cloth, five thousand copies of the Manual of Legislative

Practice, fifteen hundred copies for the use of the senate and thirty-five hundred copies for the use of the house of representatives: said manual shall contain the joint rules of the 78th general assembly, the rules of the senate, and the rules of the house of representatives, together with a list of the members and the standing committees of each house: there shall also be printed therein the Constitution of the state of Ohio, all sections of the statutes, state and federal, relating in any manner to the powers and duties of the general assembly, and such other matter as, in the opinion of said clerks, may be deemed appropriate.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

26

[Senate Joint Resolution No. 22.]

JOINT RESOLUTION

Informing the governor that the general assembly is ready to adjourn.

Be it resolved by the General Assembly of the State of Ohio:

That a committee of three on the part of the senate, and three on the part of the house of representatives be appointed to wait upon the governor, inform him that the extraordinary session of the general assembly is ready to adjourn, and ascertain whether he has any further communication to submit.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

27

STATE OF OHIO,

OFFICE OF THE SECRETARY OF STATE.

I, CARMI A. THOMPSON, secretary of state of the state of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said state, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-eighth general assembly of the state of Ohio, at its extraordinary session, begun January 4, 1909, and ended March 12, 1909, and held in the city of Columbus.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 9th day of April, A. D., 1909.

CARMI A. THOMPSON,
Secretary of State.

[Seal.]

(124)

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1909.

Counties.	County Seats.	Circuit.	Circuit Courts.	District.	Sub-division.	Courts of Common Pleas.
Adams	West Union	4	March 30, Nov. 9	7	3	Jan. 11, Apr. 12, Sept. 13.
Allen	Lima	3	Apr. 13, Nov. 9	3	1	Jan. 18, Apr. 19, Sept. 27.
Ashland	Ashland	5	May 4, Oct. 26	6	2	Jan. 4, Apr. 5, Sept. 20
Ashtabula	Jefferson	7	Feb. 15, Sept. 20.	9	3	Jan. 4, Apr. 12, Oct. 4.
Athens	Athens	4	Jan. 26, Oct. 5	7	1	Feb. 15, May 10, Oct. 25.
Auglaize	Wapakoneta	3	Apr. 27, Nov. 16	3	1	Jan. 11, May 3, Oct. 4.
Belmont	St. Clairsville	7	May 10, Dec. 6	8	2	Jan. 12, Apr. 6, Sept. 20.
Brown	Georgetown	4	Apr. 6, Nov. 18	5	1	Jan. 25, Apr. 26, Oct. 25.
Butler	Hamilton	1	Apr. 12, Oct. 11	2	1	Jan. 4, May 3, Oct. 4.
Carroll	Carrollton	7	Apr. 12, Nov. 3	9	2	Jan. 4, May 3, Sept. 13.
Champaign	Urbana	2	Apr. 12, Nov. 15	2	2	Jan. 4, May 3, Oct. 4.
Clark	Springfield	2	May 3, Dec. 6	2	2	Jan. 4, May 3, Oct. 4.
Clermont	Batavia	1	Apr. 5, Oct. 4	5	1	Jan. 12, Apr. 13, Oct. 19.
Clinton	Wilmington	1	Apr. 29, Oct. 28	2	3	Jan. 4, Apr. 5, Oct. 4.
Columbiana	Lisbon	5	May 5, Nov. 8	9	1	Jan. 11, Apr. 12, Sept. 27.
Coshocton	Coshocton	5	May 11, Nov. 30	6	3	Feb. 1, Apr. 5, Sept. 13.
Crawford	Bucyrus	3	Jan. 26, Sept. 21	10	2	Jan. 4, May 3, Sept. 6.
Cuyahoga	Cleveland	8	Jan. 4, Oct. 18	4	3	Jan. 4, Apr. 5, July 6, Sept. 13
Darke	Greenville	2	Apr. 19, Nov. 22	2	2	Jan. 4, Apr. 26, Oct. 4.
Defiance	Defiance	3	Mch. 16, Oct. 19	3	3	Jan. 25, May 3, Oct. 25.
Delaware	Delaware	5	June 8, Dec. 14	6	1	Jan. 4, Apr. 5, Sept. 20.
Erie	Sandusky	6	Apr. 5, Sept. 20	4	1	Jan. 4, Apr. 5, Sept. 20.
Fairfield	Lancaster	5	Jan. 5, Sept. 22	7	2	Jan. 18, Apr. 26, Oct. 25.
Fayette	Washington C. H.	2	Apr. 26, Nov. 29	5	2	Jan. 4, Apr. 12, Oct. 4.
Franklin	Columbus	2	Jan. 11, Sept. 20	5	3	Jan. 4, Apr. 19, Sept. 20.
Fulton	Wauseon	6	May 19, Oct. 27	3	3	Jan. 11, Apr. 12, Oct. 4.
Gallica	Gallipolis	4	Feb. 23, Oct. 21	7	2	Jan. 11, Apr. 12, Sept. 27.
Geauga	Chardon	7	Feb. 22, Sept. 27	9	3	Jan. 4, Apr. 12, Sept. 20.
Greene	Xenia	2	Mch. 22, Oct. 25	2	3	Jan. 4, May 3, Oct. 4.
Guernsey	Cambridge	7	Apr. 19, Nov. 15	8	1	Feb. 1, May 3, Oct. 4.
Hamilton	Cincinnati	1	Jan. 4, Nov. 1	1	1	Jan. 4, Apr. 5, July 5, Oct. 4.
Hancock	Findlay	3	May 18, Dec. 7	10	1	Jan. 4, May 3, Sept. 13.
Hardin	Kenton	3	Feb. 16, Sept. 30	10	1	Jan. 4, Apr. 5, Sept. 13.
Harrison	Cadiz	7	May 3, Nov. 29	8	3	Jan. 4, Mar. 15, Sept. 7.
Henry	Napoleon	3	Mar. 2, Oct. 12	3	2	Jan. 4, Apr. 19, Sept. 20.
Highland	Hillsboro	4	Apr. 13, Nov. 23	5	2	Feb. 15, Apr. 12, Oct. 11.
Hocking	Logan	4	Feb. 2, Oct. 12	7	2	Jan. 4, Apr. 5, Oct. 18.
Holmes	Millersburg	5	May 25, Nov. 2	6	3	Jan. 5, Mar. 8, Oct. 19.
Huron	Norwalk	6	Apr. 12, Sept. 27	4	1	Jan. 4, Apr. 5, Sept. 13.
Jackson	Jackson	4	May 25, Dec. 16	7	3	Jan. 4, Apr. 5, Sept. 20.
Jefferson	Steubenville	7	May 17, Dec. 13	8	3	Jan. 4, Apr. 5, Sept. 13.
Knox	Mt. Vernon	5	Mch. 2, Oct. 5	6	1	Feb. 8, May 3, Nov. 1.
Lake	Painesville	7	Feb. 9, Sept. 15	9	2	Feb. 8, May 10, Oct. 25.
Lawrence	Ironton	4	Mch. 2, Oct. 26	7	3	Feb. 15, May 10, Oct. 11.
Licking	Newark	5	Mch. 16, Oct. 12	6	1	Jan. 4, Apr. 5, Sept. 13.
Logan	Bellefontaine	3	Feb. 23, Oct. 5	10	3	Feb. 8, May 3, Oct. 8.
Lorain	Elyria	8	Apr. 19, Sept. 27	4	2	Jan. 11, Apr. 5, Sept. 13.
Lucas	Toledo	6	Jan. 4, Nov. 1	4	1	Jan. 4, Apr. 5, Sept. 20.
Madison	London	2	Mch. 29, Nov. 1	5	2	Feb. 15, May 10, Nov. 8.
Mahoning	Youngstown	7	Mch. 15, Oct. 18	9	2	Jan. 4, May 3, Sept. 13.
Marion	Marion	3	Jan. 12, Sept. 14	10	2	Jan. 4, May 3, Sept. 6.
Medina	Medina	8	Apr. 29, Sept. 22	4	2	Jan. 4, Apr. 5, Sept. 13.
Meigs	Pomeroy	4	Feb. 16, Oct. 19	7	2	Feb. 1, May 10, Oct. 11.
Mercer	Celina	3	May 4, Nov. 23	3	1	Jan. 18, Apr. 5, Oct. 4.
Miami	Troy	2	Apr. 5, Nov. 8	2	2	Jan. 4, Apr. 3, Oct. 4.
Monroe	Woodstock	7	Apr. 28, Nov. 24	7	1	Jan. 4, Apr. 13, Sept. 20.
Montgomery	Dayton	2	May 17, Dec. 20	2	3	Jan. 4, Apr. 5, Oct. 4.
Morgan	McConnelsville	5	Apr. 20, Nov. 23	8	2	Jan. 5, Apr. 6, Oct. 5
Morrow	Mt. Gilead	5	June 1, Nov. 9	6	2	Jan. 25, Apr. 26, Oct. 11.
Muskingum	Zanesville	5	Apr. 6, Oct. 19	8	1	Jan. 4, Apr. 5, Oct. 4.
Noble	Caldwell	7	Apr. 26, Nov. 22	8	1	Jan. 4, Apr. 5, Sept. 7.
Ottawa	Port Clinton	6	Apr. 26, Oct. 11	4	1	Mch. 15, June 7, Nov. 8.
Paulding	Paulding	3	Mch. 9, Oct. 14	3	3	Jan. 11, Apr. 12, Sept. 27.
Perry	New Lexington	5	Apr. 27, Nov. 16	7	1	Feb. 8, May 3, Nov. 8.
Pickaway	Circleville	4	Apr. 20, Nov. 30	5	2	Jan. 4, Apr. 5, Oct. 18.
Pike	Waverly	4	May 18, Dec. 14	7	3	Mch. 1, May 31, Nov. 8.
Portage	Ravenna	7	Mch. 8, Oct. 11	9	2	Jan. 4, Apr. 5, Sept. 6.
Preble	Eaton	2	Apr. 14, Nov. 17	2	2	Jan. 4, May 3, Oct. 11.
Putnam	Ottawa	3	Mch. 23, Oct. 26	3	2	Feb. 15, May 17, Oct. 18.
Richland	Manistee	5	Jan. 12, Sept. 7	6	2	Jan. 4, Apr. 5, Sept. 13.
Ross	Chillicothe	4	May 4, Dec. 7	5	2	Jan. 18, Apr. 5, Oct. 4.
Sandusky	Fremont	6	Apr. 19, Oct. 4	4	1	Jan. 4, Apr. 5, Sept. 13.
Scioto	Portsmouth	4	Mch. 16, Nov. 3	7	3	Jan. 13, Apr. 5, Sept. 20.
Seneca	Tiffin	3	May 11, Nov. 30	10	1	Jan. 4, Apr. 5, Oct. 18.
Shelby	Sidney	2	Apr. 1, Nov. 14	3	1	Jan. 11, Apr. 5, Oct. 11.
Stark	Canton	5	Feb. 9, Sept. 28	9	1	Jan. 4, May 3, Sept. 13.

TIMES FOR HOLDING CIRCUIT COURTS, ETC.—Concluded.

Counties	County Seats.	Circuit	Circuit Courts.	District.	Sub-division.	Courts of Common Pleas.
Summit.....	Akron.....	8	Apr. 5, Oct. 4.....	4	2	Jan. 4, Apr. 19, Sept. 13.
Trumbull.....	Warren.....	7	McCh. 1, Oct. 4.....	9	2	Jan. 25, May 3, Oct. 4.
Tuscarawas.....	New Philadelphia.....	5	May 18, Dec. 7.....	8	3	Jan. 4, McCh. 15, Sept. 7.
Union.....	Marysville.....	3	Feb. 9, Sept. 28.....	10	3	Jan. 4, McCh. 29, Sept. 13.
Van Wert.....	Van Wert.....	3	Apr. 6, Nov. 3.....	3	3	Jan. 25, May 3, Nov. 8.
Vinton.....	McArthur.....	4	Feb. 9, Oct. 14.....	7	2	McCh. 8, May 24, Nov. 29.
Warren.....	Lebanon.....	1	Apr. 28, Oct. 25.....	2	3	Jan. 4, Apr. 5, Oct. 4.
Washington.....	Marietta.....	4	Jan. 12, Sept. 28.....	7	1	Jan. 4, May 11, Oct. 5.
Wayne.....	Wooster.....	5	Feb. 2, Sept. 14.....	6	3	Jan. 4, Apr. 5, Sept. 13.
Williams.....	Bryan.....	6	May 17, Oct. 25.....	3	3	Feb. 15, May 17, Nov. 15.
Wood.....	Bowling Green.....	6	May 3, Oct. 18.....	10	1	Feb. 1, Apr. 5, Sept. 13.
Wyandot.....	Upper Sandusky.....	3	Jan. 5, Sept. 7.....	10	2	Feb. 1, Apr. 5, Oct. 11.

THE STATE OF OHIO. }
OFFICE OF THE SECRETARY OF STATE. }

I, CARMY A. THOMPSON, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1909, taken from the official lists returned by the judges of said Courts to this office.

Will sign my hand and official seal, this Second day of October, A. D. 1908.

[SEAL]

CARMY A. THOMPSON,
Secretary of State.

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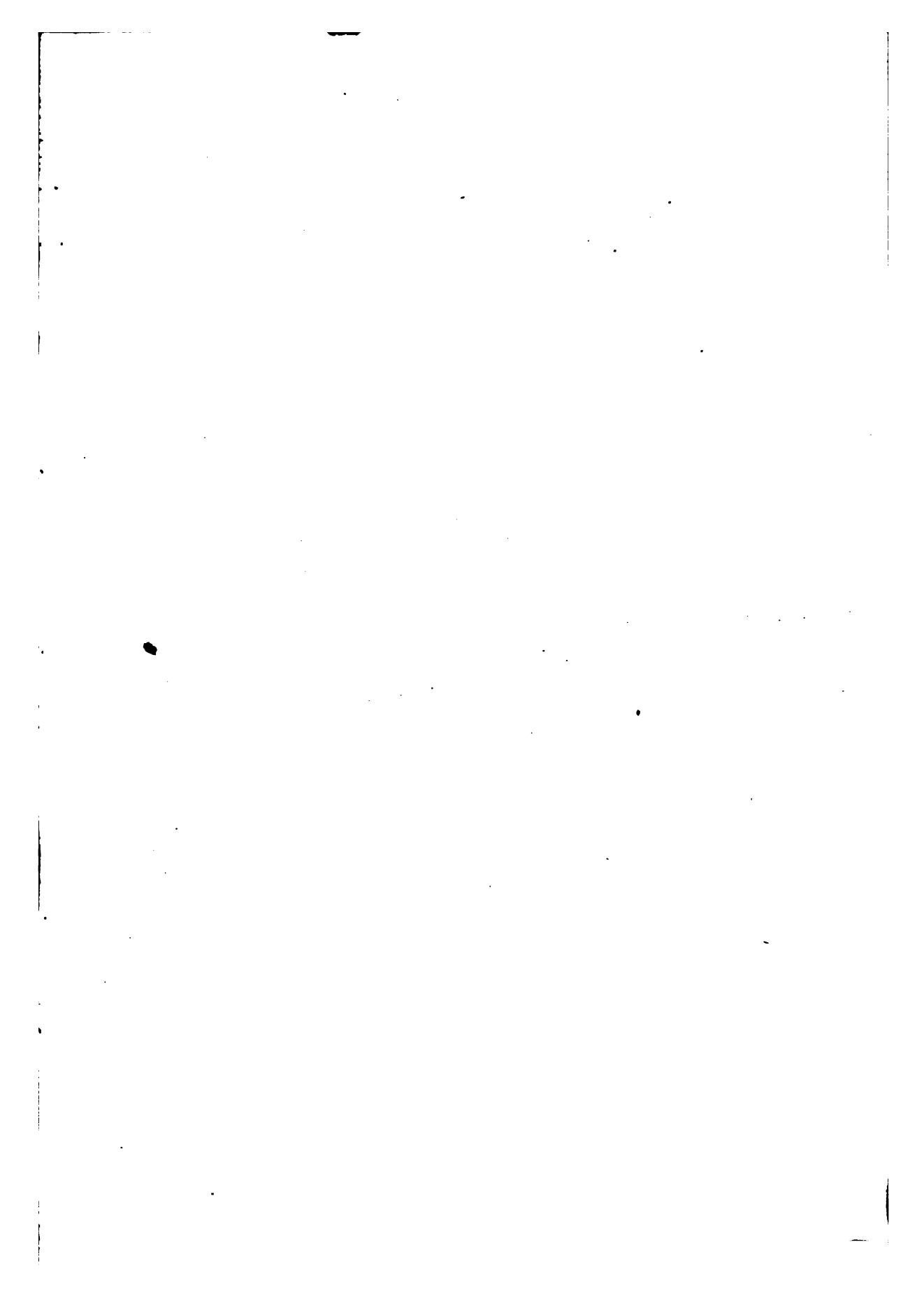
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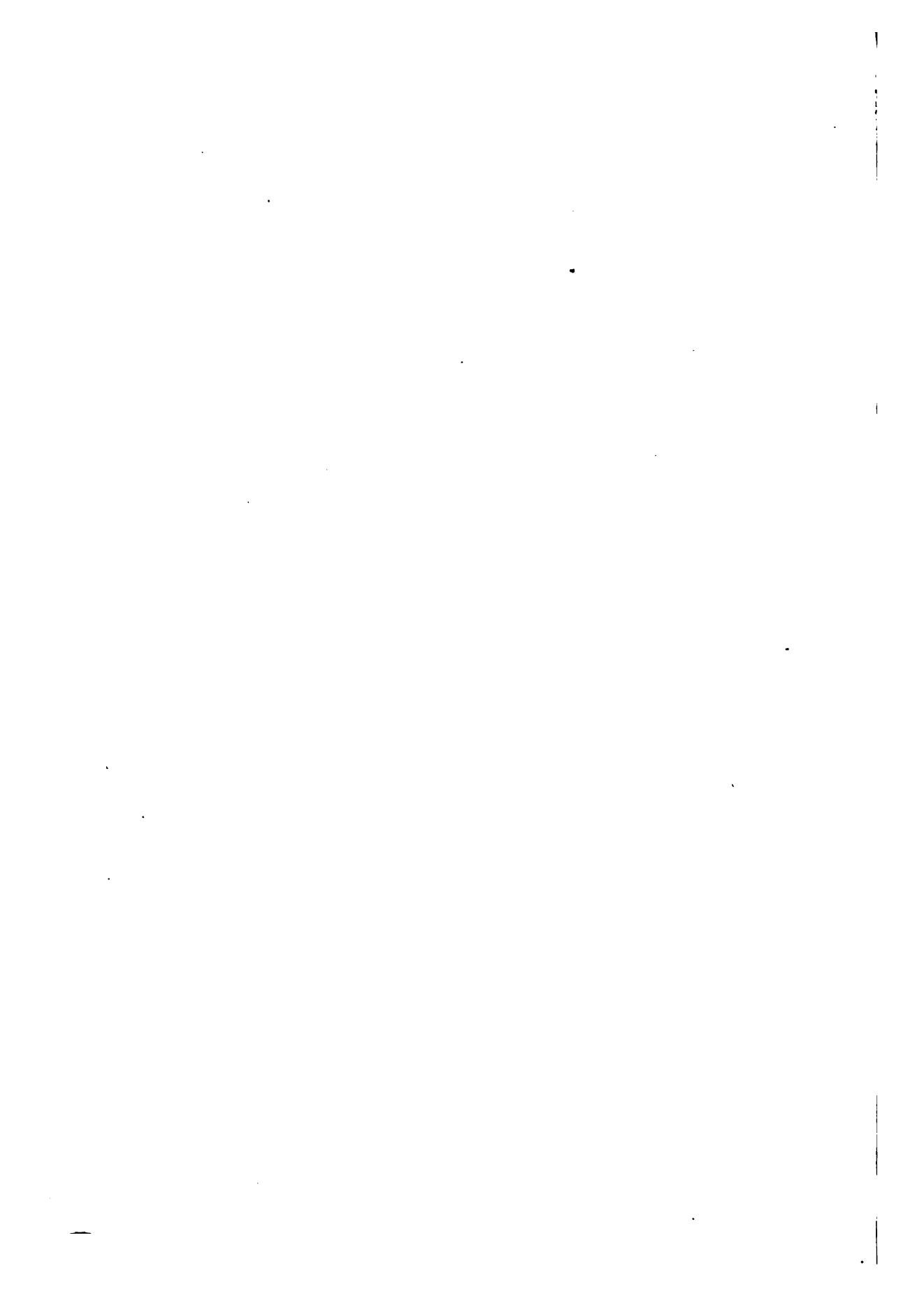
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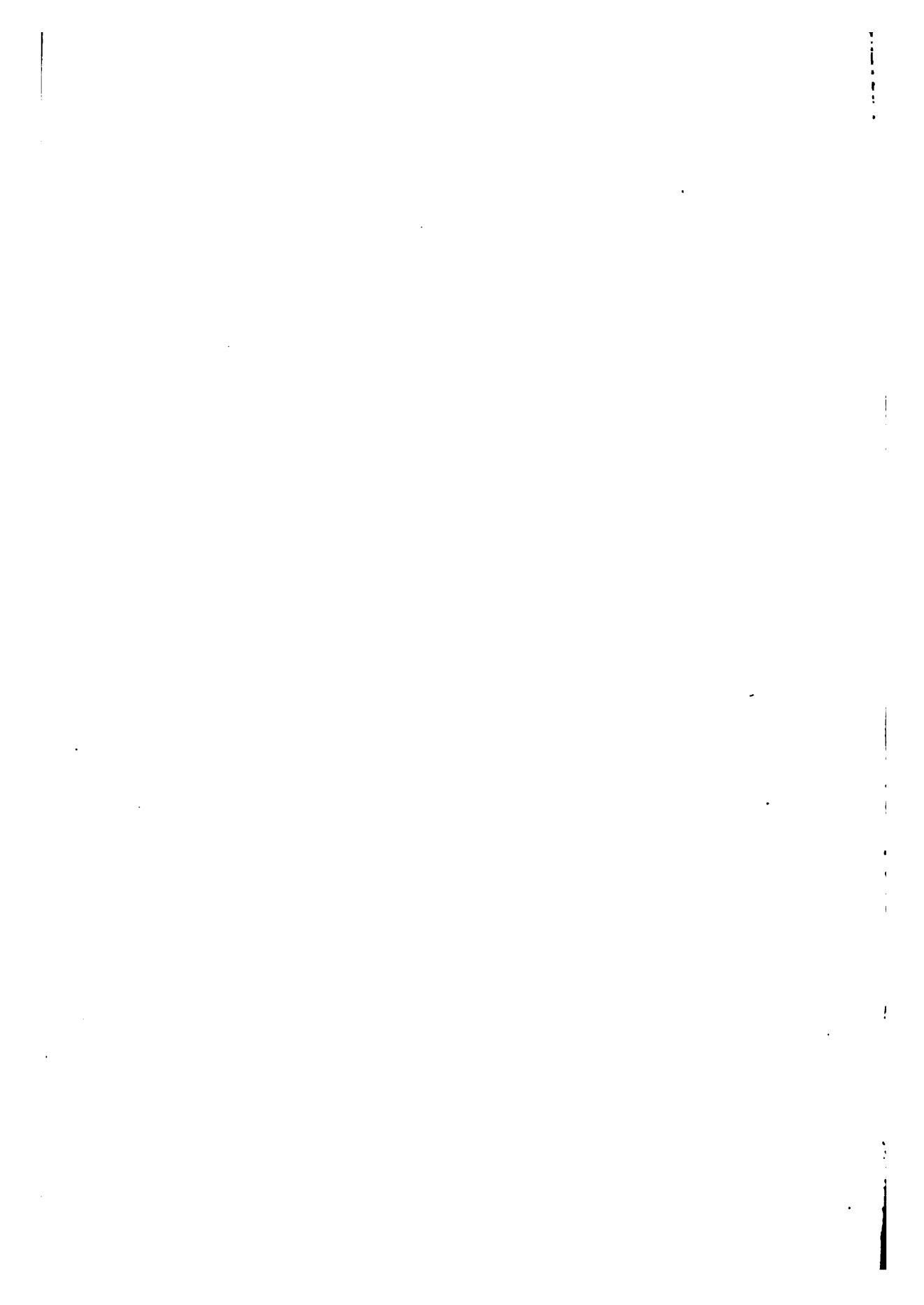
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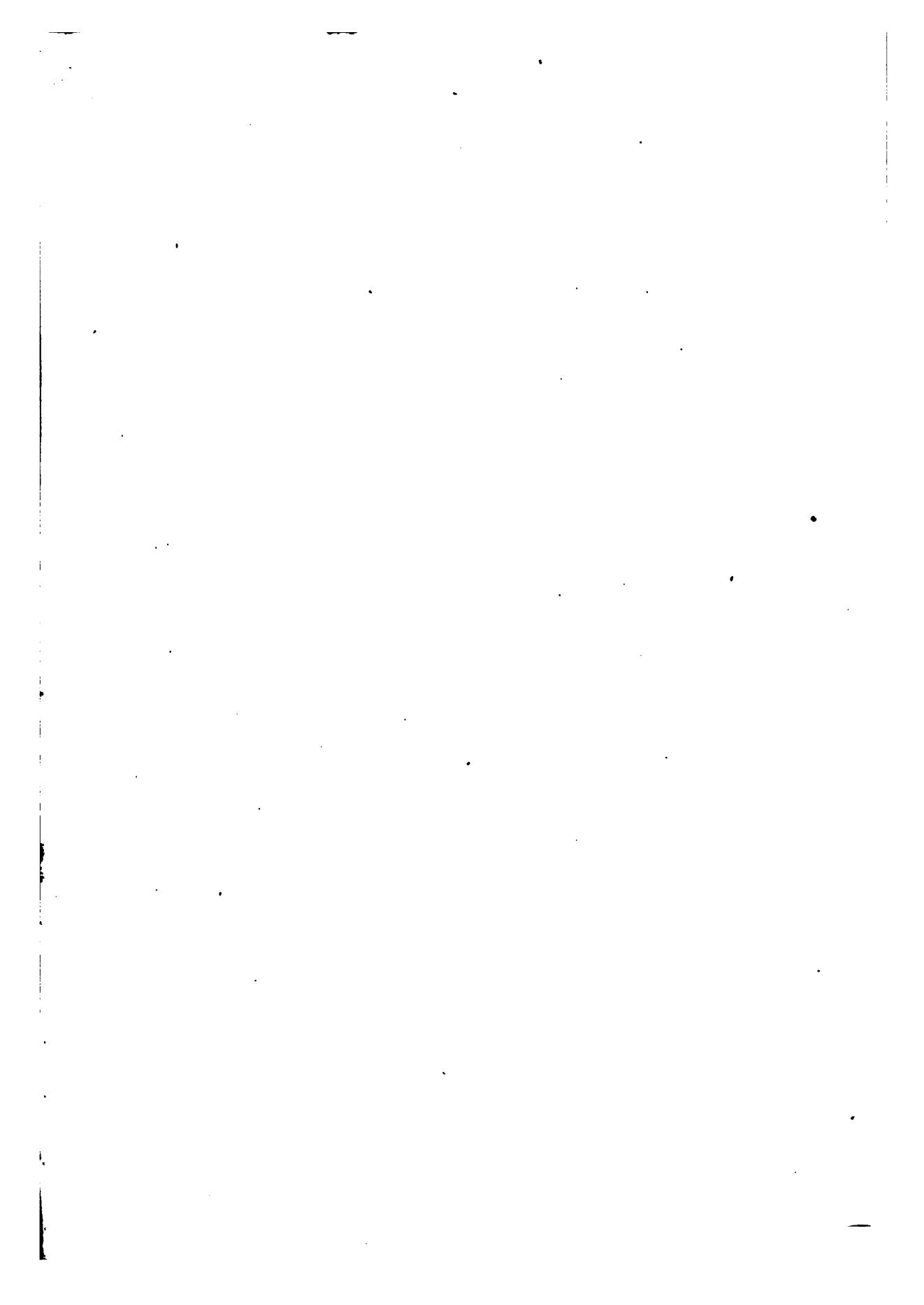
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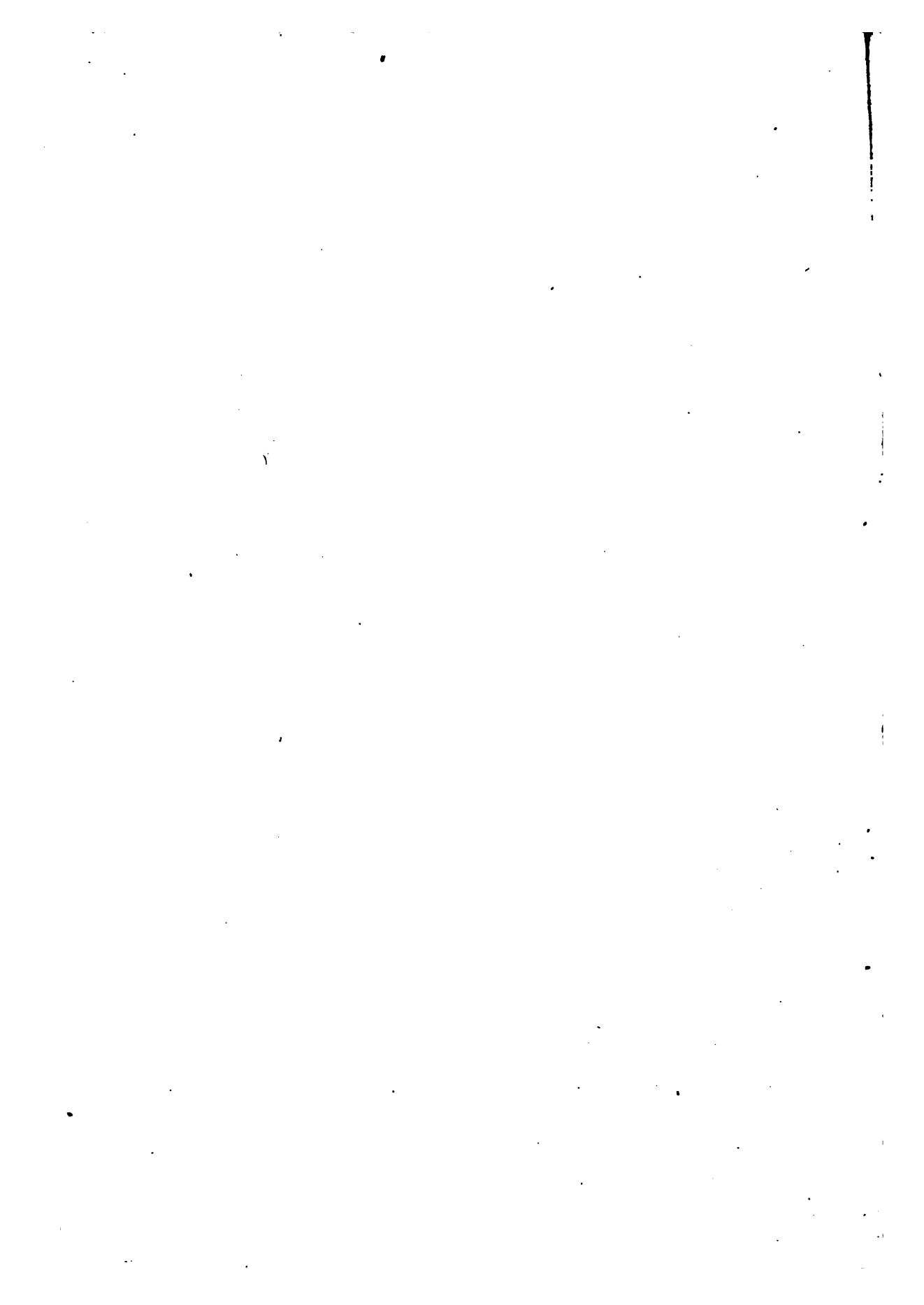












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